

becomes due or the date the tax is paid, whichever is later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) that relates to a claim) shall be maintained for a period of at least 3 years after the claim is filed.

§ 145.9000-1 [Amended]

Par. 2. Section 145.9000-1 is amended by adding at the end the following new sentence:

"Regulation § 145.2-1 through 145.2-6 were assigned by OMB the control number 1545-0744.

(Sec. 521 of the Highway Revenue Act of 1982 (96 Stat. 2097) and section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: March 28, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-8435 Filed 3-30-83; 3:24 pm]

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-128; Reference Notice No. 436]

Yakima Valley Viticultural Area

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

ACTION: Final rule; Treasury decision.

SUMMARY: This final rule establishes an American viticultural area in Yakima and Benton Counties, Washington known as "Yakima Valley." The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to designate the specific grape-growing area where their wines originate, and will help consumers to identify the wines they purchase.

DATE: This final rule is effective on May 4, 1983.

FOR FURTHER INFORMATION CONTACT:

Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

Title 27 CFR, Part 4 provides for the establishment of definite viticultural areas. These 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. Sections 9.11 and 4.25a(e)(1), of Title 27,

CFR, define an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Approved American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Yakima Valley Appellation Committee to establish the first viticultural area in the State of Washington. The area petitioned for is a valley centered around the Yakima River in south central Washington. The Yakima Valley is nearly 75 miles long and 22 miles wide at its widest point and contains approximately 1040 square miles.

In response to their petition, ATF published a notice of proposed rulemaking, Notice No. 436, in the *Federal Register* on November 24, 1982 [47 FR 53051] proposing the establishment of the Yakima Valley viticultural area.

Supporting Evidence

The Yakima Valley Appellation Committee, an association of Yakima Valley grape-growers and Yakima Valley and Washington State wineries, gave the following evidence for the establishment of the Yakima Valley viticultural area in their petition.

Name. The name Yakima Valley was well established. Yakima is the name of the Yakima Nation, a loose confederacy of Indian tribes which once controlled a vast portion of eastern Washington. This name was given to the city, valley and river. Yakima Valley is also used on U.S.G.S. maps to designate the valley surrounding the Yakima River.

Although Yakima Valley has only recently become recognized as a wine producing region, it has been known as an important agricultural region since the early 1900's when river water was first used to irrigate the valley. Yakima Valley has achieved special fame for apples, soft fruits and hops. The petitioner submitted numerous newspaper articles and other literature which use the term Yakima Valley to describe the area, especially as a grape-growing region.

History of viticulture. Island Belle grapes were introduced into the Yakima Valley in the early 1900s. Later, Concord grapes became the dominant grape throughout Washington State. Concord grapes were not, however, made into wine but were processed at grape juice plants at Grandview and Prosser in the Yakima Valley, and at Yakima.

After repeal of Prohibition, William Bridgman, a Sunnyside farmer and grapegrower, determined that the Yakima Valley was better suited for wine growing than central France. He imported Vinifera grapes and established a winery and vineyard at Sunnyside where he grew varieties such as Johannisberg Riesling and Cabernet. By 1937 Washington State could count 42 wineries, the largest of which was in the Yakima Valley. Nevertheless, Concord grapes continued to be dominant, and few local wines of distinction were produced. Many grapes were shipped out of state for processing, and Washington State wineries did not concentrate on producing premium varietal wines.

In the 1950's, Dr. Lloyd Woodburne, a professor at the University of Washington in Seattle, began to produce home wines made from Washington State grapes. Other members of the University faculty joined him and in 1961 they incorporated and planted five acres of Pinot Noir and other Vinifera grapes at Sunnyside adjacent to Bridgman's vineyard. Their group eventually became Associated Vineyards which released their first wines to the public in 1968. With demand for their Yakima Valley wines growing, they planted 20 more acres at Sunnyside, including Cabernet, Pinot Noir, Riesling, Gewurztraminer, Semillon, and Chardonnay.

During the 1970's, additional acreage of Vinifera grapes were planted throughout Yakima Valley. Today there are approximately 23,400 acres of grapes in the valley. This includes 3500 acres of Vinifera varieties, with the remainder being Concord, White Diamond, and Island Belle. Grapes are planted in nearly every location in the valley where irrigation is available, although the majority of the Vinifera grapes are planted on the south facing slopes of the Rattlesnake Hills, Red Mountain, Snipes Mountain, Ahtanum Ridge, and on the steeper north banks of the Yakima River. There are six bonded wineries in the Yakima Valley and the term Yakima Valley has been used since 1967 as an appellation of origin for wines made from Yakima Valley grapes.

Topography. Topography distinguishes Yakima Valley from surrounding areas.

Eastern Washington is characterized by a series of east to west basaltic uplifts which occurred millions of years ago, and which created a number of large and small valleys with distinct north/south boundaries and slopes.

Yakima Valley is one of these valleys bounded on the north and south by four

basaltic uplifts. Ahtanum Ridge and the Rattlesnake Hills comprise the northern boundary separating the Yakima Valley from Ahtanum Valley and Moxie Valley. The Toppenish Ridge and Horse Heaven Hills form the southern boundary. Yakima Valley's eastern boundary is formed by Rattlesnake Mountain, Red Mountain and Badger Mountain, all of which serve to separate it from the Columbia Basin. The foothills of the Cascade Mountain Range define the western boundary.

The western portion of the Yakima Valley is a vast expanse of flat land, while the eastern portion is composed of gently sloping land north of the Yakima River. The valley itself is drained by the Yakima River which enters the valley on the north at Union Gap, and flows in a southeasterly direction exiting the valley at a gap between Rattlesnake Mountain and Red Mountain.

Climate. The climate of Yakima Valley is a distinguishing factor of the viticultural area. In general, the mountains to the west experience significantly cooler temperatures while Yakima Valley is not as warm as areas to the north and east.

Within Yakima Valley, the climate averages Region II on the scale developed by Winkler and Amerine of the University of California to measure degree days. Eight stations average 2641 degree days with individual readings of 2207 at Toppenish, 2436 at Prosser, 2665 at Sunnyside, and the highest reading, 3048 degree days at Wapato.

The mountain areas to the west experience a much cooler climate; Rimrock Dam averages 1150 degree days, Goldendale 1779, and Status Pass 1334 degree days. These mountainous areas are classified as Region I.

The area to the north following the Yakima River is slightly cooler than the Yakima Valley. Ellensburg experiences 1932 degree days, Yakima 2314, Naches Heights 2330, and Moxie 2574 degree days.

In contrast to these cooler areas, the areas northeast, east and southeast of Yakima Valley experience a significantly hotter climate, and may be characterized as Region III. Individual degree day readings include 3231 at Hanford, 3720 at Priest Rapids Dam, 3890 at Richland, 3094 at Kennewick, and 3201 at McNary Dam.

Rainfall in Yakima Valley is sparse. Eight reporting stations within the viticultural area average only 8.11 inches of precipitation per year with a range of 5.88 inches at Toppenish to 12.41 inches at Fort Simcoe. The mean average growing season (28 degree base) for four stations in Yakima Valley is 190

days, ranging from 184 days at White Swan to 196 days at Benton City.

Soils. There are at least 13 different soil associations within the Yakima Valley viticultural area; however, most vineyards are planted in just two associations. The Warden-Shano Association is found on the slopes of the valley. These soils are silt-loam throughout and are deep to moderately deep over basalt bedrock. The Scootenay-Starbuck Association is found predominately along the Yakima River. These soils are silt-loam, and are shallow to very deep over gravel or basalt bedrock, being formed in old alluviums.

Boundaries. The boundaries of the Yakima Valley viticultural area are the mountain ranges surrounding the valley. The boundary follows the crest of the Ahtanum Ridge and the Rattlesnake Hills on the north, crosses the top of Rattlesnake Mountain, Red Mountain, and Badger Mountain on the east, and follows the 1,000 foot contour line of the House Heaven Hills and the crest of the Toppenish Ridge on the south. The western boundary is composed of the lower foothills of the Cascade Mountains. Specific boundaries are described in the regulatory language in § 9.69.

No Comments Received

The notice of proposed rulemaking, Notice No. 436, contained a 45 day comment period. No comments were received during the comment period. Based on the evidence contained in the petition for the viticultural area, ATF is adopting the Yakima Valley viticultural area as proposed.

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 final rule because it will not have a significant economic impact on a substantial number of small entities. This rule allows the petitioner and other persons to use an appellation of origin, "Yakima Valley" on wine labels and in wine advertising. This final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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.

Compliance With Executive Order 12291

It has been determined that this final 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 dollars or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical 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.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this final rule 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 is amending 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.69. As amended, the table of sections reads as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *
§ 9.69 Yakima Valley.
* * * * *

Par. 2. Subpart C is amended by adding § 9.69 which reads as follows:

§ 9.69 Yakima Valley.

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

(b) *Approved Maps.* The approved maps for determining the boundary of the Yakima Valley viticultural area are two U.S.G.S. maps. They are entitled:

(1) "Walla Walla, Washington," scaled 1:250,000, edition of 1953, limited revision 1963; and

(2) "Yakima, Washington," scaled 1:250,000, edition of 1958, revised 1971.

(c) *Boundaries.* The Yakima Valley viticultural area is located in Benton and Yakima Counties, Washington. The beginning point is found on the

"Yakima, Washington," U.S.G.S. map at the Wapato Dam located on the Yakima River.

(1) Then east following the crest of the Rattlesnake Hills across Elephant Mountain, Zillah Peak, High Top (elevation 3031 feet), and an unnamed mountain (elevation 3629 feet) to the Bennett Ranch;

(2) Then due east approximately 0.2 mile to the boundary of the Hanford Atomic Energy Commission Works;

(3) Then southeast following the boundary of the Hanford AEC Works along the Rattlesnake Hills to the Yakima River;

(4) Then southeast across the top of Red Mountain to the peak of Badger Mountain;

(5) Then due south for approximately 4.9 miles to the 1000 foot contour line immediately south of the Burlington Northern Railroad (indicated on map as the Northern Pacific Railroad);

(6) Then west following the 1000 foot contour line to its intersection with U.S. Highway 97 immediately west of Hembre Mountain;

(7) Then west following the Toppenish Ridge, across an unnamed mountain (elevation 2172 feet), an unnamed mountain (elevation 2363 feet), to the peak of Toppenish Mountain (elevation 3609 feet);

(8) Then northwest in straight line for approximately 9.3 miles to the lookout tower at Fort Simcoe Historical State Park;

(9) Then north in a straight line for approximately 11.7 miles to an unnamed peak, (elevation 3372 feet); and

(10) Then east following Ahtanum Ridge, crossing unnamed peaks of 2037 foot elevation, 2511 foot elevation, 2141 foot elevation, to the Wapato Dam at the point of beginning.

Signed: March 7, 1983.

Stephen E. Higgins,
Acting Director.

Approved: March 23, 1983.

Daniel Q. Bates,
Deputy Assistant Secretary (Operations)

[FR Doc. 83-8633 Filed 4-1-83; 8:45 am]
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DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

[3P0401]

Parole, Release, Supervision and Recombitment of Prisoners, Youth Offenders, and Juvenile Delinquents

AGENCY: Parole Commission, Justice.

ACTION: Final rule.

SUMMARY: The U.S. Parole Commission has exercised its statutory rule-making authority with respect to the qualifications of representatives at parole hearings (lawyers and non-lawyers alike). The final rule which appears below (a) Permits hearing examiners to bar a representative from participating in a hearing if "good cause" justifies such action; (b) provides for disqualification of a representative for up to a five-year period upon a formal finding of specific misconduct; and (c) disqualifies all former Federal criminal justice employees from becoming representatives for hire for one year after leaving Federal employment. This rule is designed to permit the Parole Commission to maintain the orderliness and integrity of its parole hearings, and to foreclose the possibility that a representative could exploit the fact of recent Federal employment in a criminal justice capacity when representing individuals before the U.S. Parole Commission.

EFFECTIVE DATE: June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815, telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION:

Background

The background of this rule was explained in the notice of proposed rule-making which was published at 47 Federal Register 54982 (Tuesday, December 7, 1982).

Modifications to the Proposed Rule

(1) The final rule includes a more precise description of what the Commission means by "good cause" in the provision which empowers an examiner panel to bar from a hearing a representative whose presence or conduct would be incompatible with the integrity or orderliness of the hearing. The Commission's intent in this respect is to discourage only the kind of conduct which deliberately disrupts and impedes the hearing from pursuing its lawful course. It is not the Commission's intention to impose any more rigid restrictions upon sincere representative efforts than would normally be encountered in a court of law concerned with maintaining orderliness and decorum. The Commission has also made clear, by providing examples, that the examiner panel may also preclude representation in advance of a hearing by persons who are obviously not fit to provide adequate representation. This

would include a fellow prisoner who has created such a disciplinary problem that he is confined in segregation at the time of the hearing, and would also include any proposed representative subject to a conflict of interest. For example, the Commission has encountered situations in which the parole applicant has been provided with free legal representation by a criminal organization, usually by prearranged contract. Such a representative is beholden to an employer whose criminally-oriented interests may will conflict with the parole applicant's presumed interest in returning to a law-abiding life. A prisoner has no right to the fulfillment of such a contract. See *Wood v. Georgia*, 101 S.Ct. 1097 (1981). (Of course, conflicts of interest may also occur among codefendants and among fellow prisoners for other reasons.)

(2) The Commission has further elucidated, by example, the type of misconduct which would justify a hearing leading to the disqualification of a representative from appearing before the Commission for up to a five-year period. (The disqualification would include not only personal appearances but written submissions prepared by the representative as well.) The example given is that of repetitive or deliberate provision of false information to the Commission. Although the Commission could not spell out in advance every possible kind of flagrant wrongdoing which might demonstrate "a clear lack of personal integrity or fitness to practice before the Commission," it believes that the warning is fair because it is aimed only at such obviously wrong practices as taking fees from prisoners for the performance of representative duties (such as filing appeals) which are negligently or deliberately not performed. See, e.g., *Koden v. United States Department of Justice*, 564 F.2d 228 (7th Cir. 1977), in which the Department of Justice suspended an attorney from practicing before the Immigration and Naturalization Service upon a finding that the attorney had taken fees without performing services and had solicited clients in a manner contrary to rule.

(3) With respect to the one-year prohibition on representation of any kind before the Parole Commission by a former Federal criminal justice employee, the Commission has made two changes from the proposal. First, such a person may be employed by any organization representing prisoners before the Parole Commission, not just law firms, so long as he performs no "representational act" before the Commission. (The Commission uses the