

(14) Then north following the boundary of the Las Cruces Land Grant to the southeast corner of Section 26, T. 6 N., R. 32 W.

(15) Then west following the southern boundaries of Sections 26, 27, 28, and 29 to the intersection with the northern boundary of the San Julian Land Grant at the southwestern corner of Section 29, T. 6 N., R. 32 W.

(16) Then northwest following the boundary of the San Julian Land Grant to its intersection with the 120°22'30" longitude line.

(17) Then northwest in a straight line for approximately 3.2 miles to the point where Santa Rosa Road intersects Salsipuedes Creek.

(18) Then following Salsipuedes Creek downstream to the point of confluence with the Santa Ynez River.

(19) Then northeast in a straight line for approximately 1.4 miles to an unnamed hill, elevation 597 feet.

(20) Then northeast in a straight line for approximately 1.7 miles to the point of beginning.

Signed: October 14, 1982.

Stephen E. Higgins,
Acting Director.

Approved: November 10, 1982.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 82-32172 Filed 11-23-82; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 436]

Yakima 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 considering the establishment of an American viticultural area in the State of Washington known as "Yakima Valley." This proposal is the result of a petition from the Yakima Valley Appellation Committee, an association of Yakima Valley grapegrowers and Washington State wineries. The establishment of the Yakima Valley viticultural area will allow wineries to designate the specific grape-growing area where their wines originate, and will better enable consumers to identify the wines they purchase.

DATE: Written comments must be received by January 10, 1983.

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. 436.

Copies of the petition, the proposed regulation, the appropriate maps, and written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

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

The Yakima Valley Appellation Committee is an association formed of Yakima Valley grapegrowers and Yakima Valley and Washington State wineries. Their petition is based on the following evidence.

Name. The name Yakima Valley is 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 the name on U.S.G.S. maps designating 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 proposed area, especially as a grape-growing region.

History of viticulture. Island Belle grapes were first introduced into the Yakima Valley after irrigation began in 1906. 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 including plants at Grandview and Prosser in the Yakima Valley, and at Yakima.

After repeal of Prohibition, William Bridgman, a Sunnyside farmer and grapegrower, studies the Yakima Valley and found it better suited for wine growing than central France. He imported Vinifera grapes and established a winery and vineyard at Sunnyside which included such varieties 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 dominate in Yakima Valley, 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 grown in the valley. This acreage includes approximately 3,500 acres of *Vinifera* varieties, with the remainder being Concord, White Diamond, and Island Belle. Grapes are now 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 also six bonded wineries in the Yakima Valley and the term Yakima Valley has been used since 1967 by no less than six Washington State wineries as an appellation of origin for wines made from Yakima Valley grapes.

Topography. Yakima Valley is clearly distinguished from surrounding areas by its topography.

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.

The 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 easily distinguishes it from

surrounding areas. 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 of Yakima Valley 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 climate north following the Yakima River is slightly cooler than in 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 climate northeast, east and southeast of Yakima Valley is significantly hotter, 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. Thus the unique climate of Yakima Valley differentiates it from surrounding areas.

Rainfall in Yakima Valley is sparse. Eight reporting stations within the proposed 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 proposed 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 Horse Heaven Hills and the crest of the Toppenish Ridge on the south. The western boundary is composed on the lower foothills of the Cascade Mountains. Specific boundaries are proposed in the regulatory language set forth below.

Public Participation

ATF requests comments all interested persons concerning the proposed 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 from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed viticultural area should submit his or her request, in writing, to the Director within the 45-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 rule, if adopted, will allow the petitioner and other persons to use an appellation of origin, "Yakima Valley" on wine labels and in wine advertising. Adoption of this proposed rule will not result in any economic or administrative costs to the public but will grant to the petitioner or other persons an intangible economic benefit. This proposal 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 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 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 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 by adding § 9.69. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas 137* * * * *

Sec.
9.69 Yakima Valley.
* * * * *

Paragraph 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 boundaries 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 US 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 a 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 feet elevation, 2511 feet elevation, 2141 feet elevation, to the Wapato Dam at the point of beginning.

Signed: October 25, 1982.

W. T. Drake,
Acting Director.

Approved: November 18, 1982.

David Q. Bates,
Deputy Assistant Secretary (Operations).

[FR Doc. 82-32173 Filed 11-23-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Cancellation of Public Hearing on Modified Portions of the Iowa Permanent Regulatory Program

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

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of proposed amendments to the Iowa permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977. This notice cancels the public hearing but does not alter the time and location at which the Iowa program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program amendments.

DATE: The following hearing is cancelled: The public hearing on the proposed amendments to the Iowa program scheduled for November 30, 1982, at 5:00 p.m.

ADDRESS: Written comments should be mailed or hand-delivered to: Richard Reike, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION: On November 3, 1982, notice of opportunity for a public hearing on the proposed amendments to the Iowa program was published in the *Federal Register* (47 FR 49868). The notice stated that any person interested in making an oral or written presentation at the hearing should contact Richard Rieke by November 18, 1982, and that if no person contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing would be cancelled. Because no one expressed an interest in attending the hearing, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed amendments. Written comments must be received on or before 4:00 p.m. on