

be available on tape for persons with vision impairments in the Office of the Rules Docket Clerk shown above.

**FOR FURTHER INFORMATION CONTACT:**

John Putman, Special Advisor to the Deputy Under Secretary for Intergovernmental Relations, Room 10184, Office of Housing, Office of Policy and Budget, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6732. A telecommunications device for deaf persons (TDD) is available at (202) 426-0015. These are not toll free numbers.

**SUPPLEMENTARY INFORMATION:** Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) requires Federal Executive agencies to establish procedures and policies to ensure non-discrimination based on handicap in programs and activities receiving federal financial assistance. On May 6, 1983, HUD published an interim rule establishing procedures and policies to ensure non-discrimination based on handicap in programs and activities receiving federal financial assistance from the Department (48 FR 20638, republished at 48 FR 22470, May 18, 1983). On June 15, 1983, the Department revoked the notice of effective date of the interim rule (48 FR 27528) and issued a notice that it was treating the published interim rule as a proposed rule and extending the comment period to September 6, 1983 (48 FR 27529).

HUD received a total of 1,258 comments on the proposed rule. Over 800 of these comments consist of six groups of form comments, leaving over 400 separate comments, many of which are lengthy and detailed.

The Department has prepared a comprehensive summary of the public comments for its internal use in reviewing and considering the numerous comments received in preparation of the final rule. All issues raised by comments received before the summary was completed (December 2, 1983) are included in the summary and will be considered by the Department without regard to whether they were received before or after the expiration of the formal comment period on September 6, 1983.

Because the issues raised both in the proposed rule and the comments are complex and because there is a diversity of interests affected by this rule, the Department has decided to make the summary prepared for internal use available for the information of the public. Interested persons may obtain the 55-page summary free of charge by requesting a copy from the office of the Rules Docket Clerk at the address and telephone number shown above.

Dated: December 16, 1983.

**John J. Knapp,**  
*General Counsel.*

[FR Doc. 83-34134 Filed 12-22-83; 8:45 am]

**BILLING CODE 4210-32-M**

**DEPARTMENT OF THE TREASURY**

**Bureau of Alcohol, Tobacco and Firearms**

**27 CFR Part 9**

[Notice No. 497]

**Mississippi Delta Viticultural Area**

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the States of Mississippi, Tennessee, and Louisiana to be known as "Mississippi Delta." This proposal is the result of a petition from Samuel H. Rushing, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers to better identify the wines they purchase.

**DATE:** Written comments must be received February 6, 1984.

**ADDRESSES:** Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Notice No. 497).

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4407, Federal Building, 1200 Pennsylvania Avenue NW, Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW, Washington, DC 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:**

**Background**

ATF regulations in 27 CFR Part 4 provide for 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.

Part 9 of 27 CFR provides for the listing of approved American viticultural

areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), title 27, CFR, defines an American viticultural area as a delimited grape-growing region 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 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 features (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. map(s) with the boundaries prominently marked.

**Petition**

ATF has received a petition from Mr. Samuel H. Rushing of The Winery Rushing, proposing an area in northwestern Mississippi (with minute segments in Tennessee and Louisiana), as a viticultural area to be known as "Mississippi Delta." The proposed area is leaf-shaped and extends for a length of about 180 miles with a maximum width of about 65 miles. It comprises approximately 6,000 square miles.

The petitioner claims that the area is a grape-growing area on the basis of the following facts:

(1) The Mississippi Delta is a flat, alluvial plain with extremely rich soil. Topsoil in the area is often 35 feet deep. The area is one of the more highly productive agricultural regions in the United States. Growing conditions are favorable to a wide variety of crops. Major crops are cotton, soybeans, grain sorghum, and rice. To a much lesser extent, the area is also a grape-producing region. Estimates of vineyard acreage range from 50 to 250 acres. There are vineyards dispersed through the proposed area, and one winery is operating.

(2) In the early part of this century, before Prohibition, grape-growing was profitable in the area. Recently, the

State of Mississippi has invested millions of dollars in Mississippi State University's Enology Laboratory, located at Stoneville in the heart of the Delta region. This expenditure is based upon belief that the region will someday become "the grape producing area of the Southeast," according to a letter of support submitted by the petitioner from the head of that Laboratory.

(3) The entire area has uniform viticultural characteristics, and historical circumstances (rather than any geographical differences) account for the placement of vineyards within the proposed area. The entire area is equally suited to the growing of grapes, as well as a great variety of other crops.

(4) The petitioner grows *vitis rotundifolia*, as do most of the area's vineyardists, and these grapes are native to the entire proposed area. Thus, the petitioner argues that Mississippi Delta is a "natural grape-growing region."

The petitioner claims that the proposed viticultural area is known by the name of "Mississippi Delta" for the following reasons:

(a) Author David Cohn's famous statement that the Mississippi Delta "begins in the lobby of the Peabody Hotel in Memphis and ends on Catfish Row in Vicksburg" has been quoted numerous times in histories of Mississippi. In particular, the petitioner cited *Mississippi: A History*, by John K. Bettersworth, and *Mississippi*, by the Federal Writers' Project of the Works Progress Administration.

(b) The term "delta" is commonly understood to mean a triangular area by the mouth of a river, formed by alluvial deposits. The Mississippi Delta is an exception to this, in that it is an area of alluvial deposits located several hundred miles above the mouth of the Mississippi River. However, according to the petitioner the area is a true delta, for its deposits were first laid down in an era of pre-history when the mouth of the Mississippi was much farther north. In more recent times, prior to the construction of the Mississippi River levee system, the area received periodic additional deposits whenever the Mississippi and/or Yazoo River flooded. Another smaller area near the mouth of the Mississippi River, south of New Orleans, is sometimes also called the "Mississippi Delta." However, no grapes are known to be grown in that area.

(c) Since the area is primarily drained by the Yazoo River, geologists sometimes call the area the "Yazoo Basin," but locally and in literature it is most commonly called the "Mississippi Delta," or just "The Delta."

(d) Because of the danger of flooding, the area was sparsely settled until about, 100 years ago, when the levee system began to make agriculture feasible there. Nevertheless, within this century, the area has developed a considerable history and reputation under the name "Mississippi Delta." These are recounted in historical material submitted by the petitioner.

The petitioner claims that the proposed viticultural area is distinguished from the surrounding areas for the following reasons:

(1) The western boundary of the area is the levee system of the Mississippi River. West of that, the land is not suitable for agriculture because it is subject to unpredictable, periodic floods. The land that is not protected by the levee system is used primarily for sporting purposes, such as hunting and fishing.

(2) The eastern boundary of the area follows the very striking geographical feature known as the loess bluffs. These bluffs, which rise 100 feet high along the entire eastern side of the Mississippi Delta, abruptly demarcate the change from alluvial soil to the windblown soil of the loess hills region. The division between the almost totally flat delta and the very hilly region east of the loess bluffs is dramatic and obvious to an observer.

(3) Because of its shape, the area comes to a point at its north and south ends. At Memphis and at Vicksburg, the loess bluffs come right down to the Mississippi River, thus isolating the Mississippi Delta totally between the bluffs to the east and the river to the west.

(4) Although sharply distinguishable from the areas immediately to the east and west, the Delta is almost totally homogeneous within the proposed boundaries. The land is flat, and the rivers and streams meander very slowly through shifting channels. When one of them changes course, it leaves behind a partially filled "ox-bow lake." There are no geographical features within the area with any viticultural significance that could be used as the basis for smaller viticultural areas within the Mississippi Delta.

The boundaries of the proposed viticultural area may be found on three U.S.C.S. maps in the scale of 1:250,000 series: Helena (Ark., Miss., Tenn.), Greenwood (Miss., Ark., La.), and Jackson (Miss., La.). The boundaries are as described in the proposed § 9.96.

#### 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 is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981 (46 FR 13193), the Bureau has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of \$100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this notice because no requirement to collect information is proposed.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Mississippi Delta viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

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 or comments as confidential. Comments may be disclosed to the public. Any material which the 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.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

#### Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### Authority

Accordingly, under the authority 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, Subpart C, is revised to add the title of § 9.96 to read as follows:

\* \* \* \* \*

#### Subpart C—Approved American Viticultural Areas

Sec. \* \* \* \* \*

9.96 Mississippi Delta.

**Par. 2.** Subpart C of 27 CFR Part 9 is amended by adding § 9.96, which reads as follows:

#### § 9.96 Mississippi Delta.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Mississippi Delta viticultural area are three U.S.G.S. maps. They are titled:

- (1) Helena, scale of 1:250,000, 1955 (revised 1977).
- (2) Greenwood, scale of 1:250,000, 1953 (revised 1979).
- (3) Jackson, scale of 1:250,000, 1955 (revised 1973).

(c) *Boundary—(1) General.* The Mississippi Delta viticultural area is located in Mississippi, Louisiana, and Tennessee. The starting point of the following boundary description is the

intersection of the Illinois Central Gulf (I.C.G.) Railroad and the Mississippi River levee system, on the southeast side of Lake Horne, between Lake View, Mississippi, and Walls, Mississippi, on the Helena map.

(2) *Boundary Description—(i)* From the starting point generally southward along the Mississippi River levee system until it again intersects the I.C.G. Railroad, near Twin Lake, Mississippi (about 10 miles north of Vicksburg, on the Jackson map). In any place where there is more than one continuous levee, the one closest to the Mississippi River is the boundary.

(ii) From the intersection described in paragraph (c)(2)(i), the boundary continues southward along the I.C.G. tracks, until they merge with another branch of the I.C.G. Railroad, near Redwood, Mississippi.

(iii) Then generally northeastward along that other branch of the I.C.G. Railroad, to the Leflore County-Holmes County line (on the Greenwood map).

(iv) Then southeastward along that county line to the Leflore County-Carroll County line.

(v) Then generally northward along that county line to Mississippi Route 7.

(vi) Then generally northeastward along Route 7 to the 90° 00' longitude line.

(vii) Then northward along that longitude line to Mississippi Route 8.

(viii) Then eastward along Route 8 to Mississippi Route 35.

(ix) Then northward along Route 35 to Mississippi Route 322 (on the Helena map).

(x) Then generally eastward along Route 332 to the Panola Quitman Floodway.

(xi) Then northward along that floodway to the range line r.9W./R.8W.

(xii) Then northward along that range line to the 200 ft. contour line (north of Ballentine, Mississippi).

(xiii) Then generally northeastward along that contour line to Mississippi Route 3.

(xiv) Then northward along Route 3 to the Tunica County-Tate County line.

(xv) Then northward along that county line to the Tunica County-De Soto County line.

(xvi) Then northward along that county line to the I.C.G. Railroad.

(xvii) Then northward along the I.C.G. tracks to the starting point.

Approved: December 12, 1983.

Stephen E. Higgins,  
Director.

[FR Doc. 83-33997 Filed 12-22-83; 8:45 am]  
BILLING CODE 4810-31-M

## DEPARTMENT OF JUSTICE

### Parole Commission

#### 28 CFR Part 2

#### Paroling, Recommitting and Supervising Federal Prisoners

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Proposed rule with request for comment.

**SUMMARY:** The Parole Commission is proposing an amendment to its rules at 28 CFR 2.47, Warrant Placed As a Detainer and Dispositional Review, providing that revocation hearings be conducted for prisoners serving new state or local sentences after completion of the period in confinement required by the minimum of the applicable guideline range but not less than 24 months. This proposal is designed as part of an effort to meet budgetary limitations.

**DATE:** Comment must be received by February 21, 1984.

**ADDRESS:** Peter Hoffman, Director of Research and Program Development, U.S. Parole Commission, 550 Friendship Blvd., Chevy Chase, Maryland 20815.

**FOR FURTHER INFORMATION CONTACT:** Peter Hoffman, Telephone (301) 492-5980.

**SUPPLEMENTARY INFORMATION:** Prior to July 1980 the Parole Commission's customary procedure for parole violators with new terms of incarceration was to conduct a revocation hearing only upon the completion of the confinement portion of the new sentence. This policy fully met the constitutional requirements set forth in *Moody v. Daggett*, 429 U.S. 78 (1976). In July 1980, the Commission instituted a policy of conducting revocation hearings for parole violators with a new term of incarceration prior to release on the new sentence. Prisoners serving new sentences in Federal institutions were given revocation hearings within 120 days of notification of the placement of a detainer and prisoners serving new state sentences in state or local institutions were given revocation hearings after service of 18 months on the new sentence or upon return to Federal custody, whichever came first. This policy was intended to provide the prisoner with earlier notice of the amount of prison time the Commission would require on the sentence(s) under its jurisdiction and avoid return to federal custody when a prisoner serving a new state sentence had already served an appropriate time in custody for the violation behavior. In July 1981, the