

event a complaint is made and an investigation is necessary?

(d) Should the prevailing wage to which an employer must attest be determined in the same manner as currently determined under the present INA section 212(a)(14)? The regulations implementing that section define the prevailing wage as the average of wages paid to workers similarly employed in the area of intended employment; 20 CFR 656.40 (1990). If not, what other approaches do commentors recommend?

(e) Should the Department provide public access to employer F-Student attestations even though such access does not appear to be required under the Act?

(f) How should an attestation be made when an employer has multiple openings in identical occupations in numerous job sites distributed over a wide geographic area?

(g) Should an employer be required to file a new attestation each time a new worker or group of workers is needed? Or should an attestation be valid for a fixed period of time during which the employer can employ as many students as needed? Should the Department require that each student be listed by name on the attestation?

(h) How long should an attestation be valid? How long should a single student be permitted to work under one attestation?

(i) What should DOL's role be with regard to review, approval, acceptance or rejection of attestations for students?

Section III. Other

Section 801. Educational Assistance and Training

This section of the Act provides for the allocation of funds for grants to States for the purpose of educational assistance and training for U.S. workers. The allocation is to be made according to a formula which would take into account the location of foreign workers admitted into the United States, the location of individuals in the United States who need and desire educational assistance or training, and the location of underemployed and unemployed U.S. workers. Grants are to be made after consultation with the Secretary of Education. Immigration Act of 1990 section 801, 29 U.S.C. 1506.

Issues and/or Questions. The intent of this section is to encourage the training of U.S. workers in those occupations where labor needs are being met by alien workers. DOL employment and training policy encourages the training of unemployed persons and the upgrading of skill levels of the U.S.

workforce so that current and emerging labor needs can be met.

The Department invites comments on ways the Federally funded job training and reemployment programs it administers can be made more aware of and better anticipate occupations where employers are likely to seek alien workers.

Conclusion

The Department of Labor welcomes the comments, views and insights of all parties on the issues raised in this Notice and on any other matters pertinent to its responsibilities under the Act as it proceeds with the development of proposed regulations to implement its responsibilities under this legislation.

Signed at Washington, DC, this 14th day of March, 1991.

Lynn Martin,

Secretary of Labor.

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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 714 (89F197P)]

RIN: 1512-AA07

The Grand Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located totally within Mesa County, Colorado, to be known as "Grand Valley." This proposal is the result of a petition from Mr. Jim Seewald of Vintage Colorado Cellars Winery. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make their wines were grown and enables consumers to better identify wines they purchase.

DATE: Written comments must be received by May 6, 1991.

ADDRESS: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385 (Attn: Notice No.). Copies of the petition, the proposed regulations, the

appropriate maps, and any written comments received will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Ave., NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite viticultural areas. The regulation allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, for the listing of approved American viticultural areas.

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.G. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from Mr. James E. Seewald, President of Vintage Colorado Cellars Corporation, proposing an area in Mesa County, Colorado, as a viticultural area to be known as "Grand

Valley." This proposed viticultural area is located in the Grand Junction area, between Palisade and Fruita, in the western part of the State.

There are two wineries and approximately 16 vineyards located within the proposed area, with a total of about 80 to 90 acres planted to wine grapes. The approximate size of the proposed "Grand Valley" area is in the neighborhood of 50 square miles. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

Viticultural Area Name

The petitioner asserts that the name "Grand Valley" has been associated with the proposed area since at least the mid-nineteenth century. Historical and current usage of the name is supported by the following:

(1) The Geological Survey Professional Paper 451, titled "Geology and Artesian Water Supply, Grand Junction Area, Colorado," states "The present Colorado River above Grand Junction was known as the Grand River at least as early as 1842. * * * The city of Grand Junction was so named because of its position at the junction of the Gunnison and Grand Rivers. The Green and Grand Rivers united in eastern Utah to become the Colorado River * * * The Grand River was renamed Colorado River by act of the Colorado State Legislature, approved March 24, 1921, and by act of Congress approved July 25, 1921; but, in addition to Grand Junction, the name Grand still remains in the Grand Valley between Palisade and Mack; in Grand Mesa, which stands more than a mile above the Grand and Gunnison Valleys * * * and in Grand County, Colorado * * *

(2) "The Valley of the Grand—The Place for You," issued by the Chamber of Commerce Grand Junction, Colorado Historic Catalog, circa 1907, details "Specimens of Grand Valley Grapes."

(3) The Geographic Names Information System (G.N.I.S.) State of Colorado, Alphabetical Finding List, dated February 25, 1981, lists the following entry: Name—Grand Valley, Feature/Class—pnt, State/County—08045, Coordinate—392707N1080308W.

(4) The Grand Junction Area Chamber of Commerce map/brochure, dated 1988, describes, under the section titled "History of Grand Junction," a brief history of the area beginning with "The isolated barren Grand Valley was traveled by a mere handful of hardy pioneers prior to 1879."

(5) Soil Survey of the Grand Junction Area, Colorado Series 1940, No. 19, issued November 1955, frequently refers

to the Grand Valley, particularly on the fold out pages 6 and 7.

Historical/Current Evidence of Boundaries

According to the Soil Survey of the Grand Junction Area, Colorado, the proposed viticultural area is in the Grand Valley of Colorado near the western edge of Mesa County. The area is located in the Canyon Lands section of the Colorado Plateau physiographic province. It occupies part of the floor of a deep pocket, or valley, known as the Grand Valley of Colorado. This valley, carved in the Mancos Shale formation by the Colorado and Gunnison Rivers and their tributaries, is surrounded for the most part by steep mountainous terrain. Deep canyons flank the valley to the southwest; a sharp escarpment known as the Book Cliffs rises above it to the north and northeast; foot slopes of the Grand Mesa lie to the east; and rough broken and steep, hilly land that borders high terraces or mesas lies to the south.

According to the petitioner, the Grand Valley is usually thought of as the area between the towns of Palisade and Mack. However, the petitioner's boundary stops at the town of Fruita on the western side, rather than extending further west to Mack, because of geographical features which distinguish the proposed viticultural area from the area west of Fruita. The first is that there is a difference in the quality of the soil as one moves toward the western end of the Grand Valley. According to the petitioner, much of the soil in this area will not support grape vines due to excessive salts. Also, there is a lack of supply of water for irrigation of the soil west of Fruita.

The second reason is that daily weather reports throughout the winter months always show the higher, more favorable, temperatures to be in the eastern (Palisade) end, and moving progressively westward, the temperatures (at exactly the same time of day or night) decrease with the coldest areas being reported in Mack and Loma on the western end of the valley. Since the petitioner does not believe that the area west of Fruita would support grape vines, he ended the western boundary of the proposed area at Fruita rather than extending it to Mack.

The proposed "Grand Valley" viticultural area includes within its boundaries three areas which are locally known by the names of Orchard Mesa, the Redlands, and the Vinelands. Orchard Mesa is a tract of almost flat terrace land south of the Colorado River and to the southeast of Grand Junction.

The Redlands is a rolling and somewhat hilly area south of the Colorado River and between the mouth of the Gunnison River and Fruita. The Vinelands is a tract of land located southeast of the town of Palisade.

Geographical Features

Elevations in the proposed "Grand Valley" viticultural area rise from 4500 feet at the western end near Fruita to 4573 feet at Grand Junction, and 4729 feet at the eastern end of the Valley near Palisade. Deep canyons flank the Valley to the southwest. A sharp escarpment (Book Cliffs) rises to 7000 feet above the Valley to the north and northeast. The Grand Mesa stands more than a mile above the eastern edge of the Valley and steep, hilly land borders the high terraces and mesas to the south.

The climate of the proposed "Grand Valley" viticultural area is similar to that of most of the intermountain areas west of the Continental Divide in its aridity, wide range of daily temperatures, high percentage of bright sunny days, and high evaporation rate. Where the climate differs, the differences apparently are caused by protective mountain barriers.

In the extreme eastern part of the area, the Colorado River enters the Grand Valley through a steep narrow canyon that tends to stabilize air currents in the Valley. During the day, the air tends to move up the slopes that confine the Valley at its eastern end. Then, at night, the air moves down again. This air movement, spoken of as air drainage, affords a more limited daily range in temperature and less danger from frost, particularly at the eastern end of the Grand Valley where the majority of the vinifera plantings are located. Hence, the eastern section of the Valley, to a distance of about 3 or 4 miles west of Palisade, has a climate particularly suitable for orchard fruits and grapes.

Summer temperatures rise to a maximum of about 105 degrees Fahrenheit. Several days in summer may have temperatures above 100 degrees. The nights are cool, however. Also, the winters are mild. Temperatures are usually above zero, through an absolute minimum of minus 21 degrees has been recorded. The average humidity is low, so zero weather does not seem so cold nor the summers so hot as in States where the humidity is higher.

The average date of the last killing frost in spring is April 14, and the first in fall is October 21. The average frost-free, or growing season is 190 days. Occasionally, late spring or early fall frosts do some damage to fruits and

vegetables on the bottom lands and recent flood plains. On the mesas or higher terraces, frost damage is slight. Frost is especially rare in the climatically protected areas around Palisade and along the bluffs bordering the Redlands.

High winds are unusual, and cyclones are unknown. Light thundershowers are common during summer. Hail damage is localized and usually slight. Summer showers are frequently more detrimental than beneficial, especially those that come during the harvesting season.

The average annual precipitation at Grand Junction is 9.06 inches per year. This precipitation is well distributed throughout the year but is not sufficient to permit successful dry farming. The soils support only a scant growth of native grasses and shrubs if they are not irrigated. The average snowfall is 22.0 inches. The snow usually melts within a few days after it falls. The ground is free of snow most of the winter.

The proposed "Grand Valley" viticultural area is distinguishable from surrounding areas by elevation and by soil differences. In addition to the cliffs and mesas to the north and east of the valley, the surrounding areas to the northwest, west and south contain soils which are usually more alkaline than the soils within the proposed Grand Valley viticultural area, according to the petitioner. The petitioner states that, for the most part, these areas are not capable of being irrigated and are suitable only for livestock grazing. They are rocky, often steeply sloped, and the soils are classified from fair to poor, to non-existent. Large areas to the south, along the Gunnison River and Colorado Highway 50, show extensive evidence of excessive salts and alkalinity. The nearest commercial vineyards outside the proposed viticultural area are located in excess of 50 miles from the Grand Valley with mountains, mesas, valleys, canyons, and vast areas of salt, sagebrush and alkali separating the two.

The petitioner states that grapes within the proposed "Grand Valley" viticultural area are adapted to the medium textured to sandy Genola, Hinman, Mayfield, Mesa, Ravola, and Thoroughfare soils, especially where these soils are in areas where peaches are grown, since grapes and peaches tend to do well in the same type of environment. In contrast the petitioner states that soils to the west of the proposed viticultural area are predominantly Billings, Chipeta, Fruita, Mack and Persayo-Chipeta which, for the most part, are not suitable for grape growing.

Proposed Boundary

The boundary of the proposed Grand Valley viticultural area may be found on six United States Geological Survey maps with a scale of 1:24,000. The boundary is described in proposed § 9.137.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required 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

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 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

ATF requests comments from all interested parties concerning this proposed viticultural area. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date. 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 in not exempt from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Drafting Information

The principal author of this document is Robert L. White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas is proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The Table of sections in subpart C is amended to add the title of § 9.137 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.
* * * * *

§ 9.137 Grand Valley.

Par. 3. Subpart C is amended by adding § 9.137 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.137 Grand Valley.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Grand Valley viticultural area are six U.S.G.S. (7.5 minute series) topographical maps of the 1:24,000 scale:

(1) "Palisade Quadrangle, Colorado," edition of 1962.

(2) "Clifton Quadrangle, Colorado," edition of 1962, photorevised 1973.

(3) "Grand Junction Quadrangle, Colorado," edition of 1962, photorevised 1973.

(4) "Colorado National Monument Quadrangle, Colorado," edition of 1962, photorevised 1973.

(5) "Fruita Quadrangle, Colorado," edition of 1962, photorevised 1973.

(6) "Corcoran Point Quadrangle, Colorado," edition of 1962.

(c) *Boundary.* The Grand Valley viticultural area is located entirely within Mesa County, Colorado, in the western part of the State. The boundary is as follows:

(1) The beginning point is located on the Palisade quadrangle map at a point northeast of the city of Palisade where Interstate 70 crosses the Colorado River and intersects with U.S. Highways 6 and 24, adjacent to and immediately west of the Orchard Mesa Canal Aqueduct;

(2) From the beginning point, the boundary proceeds due east to the adjacent Orchard Mesa Canal Aqueduct and then in a southerly direction along the Orchard Mesa Canal Aqueduct to an unnamed creek in the western part of Section 11, Township 11 South, Range 98 West (T. 11 S., R. 98 W.);

(3) Thence in a southeasterly direction along the unnamed creek to its intersection with the 5000-foot contour line in the northeast corner of Section 1, T. 1 S., R. 2 E.;

(4) Thence in a northwesterly and then a southerly direction along the 5000-foot contour line to its intersection with Watson Creek in Section 12, T. 1 S., R. 2 E.;

(5) Thence in a southeasterly direction along Watson Creek to its intersection with the electrical power lines in the southern part of Section 12, T. 1 S., R. 2 E.;

(6) Thence in a southwesterly direction along the electrical power lines along the northern slope of Horse Mountain to that point where the power lines intersect with the Jeep Trail in the central part of Section 15, T. 1 S., R. 2 E.;

(7) Thence in a northwesterly direction along the Jeep Trail to its intersection with Orchard Mesa Canal No. 2 on the western border of Section 10, T. 1 S., R. 2 E.;

(8) Thence in a generally southwesterly direction along Orchard Mesa Canal No. 2 through the Clifton quadrangle map to the Canal's junction with the Gunnison River on the Grand Junction quadrangle map (western part of Section 31, T. 1 S., R. 1 E.);

(9) Thence in a generally northwesterly direction along the Gunnison River to its junction with the Colorado River in Section 22, T. 1 S., R. 1 W.;

(10) Thence continuing in a northwesterly direction along the Colorado River to the bridge where

County Road 340 crosses the river (Section 15, T. 1 S., R. 1 W.);

(11) Thence in a southwesterly direction along County Road 340 approximately .2 mile to its intersection with a secondary highway, hard surface road, known locally as Monument Road;

(12) Thence in a southwesterly direction along Monument Road to the boundary of the Colorado National Monument, located on the Colorado National Monument quadrangle map (Section 30, T. 1 S., R. 1 W.);

(13) Thence in a generally northwesterly direction along the boundary of the Colorado National Monument to its intersection with County Road 340 (known locally as Broadway) on the northern border of Section 32, T. 1 N., R. 2 W.;

(14) Thence in a generally northerly direction along County Road 340 to the city of Fruita where County Road 340 (known locally as Cherry Street) intersects K Road on the Fruita quadrangle map;

(15) Thence due east on K Road to the northeast corner of Section 17, T. 1 N., R. 1 W., on the Corcoran Point quadrangle map, then extending in the same direction in a straight line along the northern boundary of Section 16, T. 1 N., R. 1 W. to the intersection with Government Highline Canal;

(16) Thence in a southeasterly direction along the Government Highline Canal to its intersection with U.S. Interstate 70 on the Grand Junction quadrangle map;

(17) Thence in an easterly direction along U.S. Interstate 70 through the Clifton quadrangle map to where Interstate 70 crosses the Colorado River and intersects with U.S. Highways 6 and 24 on the Palisade quadrangle map, the point of beginning.

Approved: March 13, 1991.

Daniel R. Black,
Acting Director.

[FR Doc. 91-6531 Filed 3-19-91; 8:45 am]

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DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R]

Payment Method for Health Care Services Under the Supplemental Health Care Program for Active Duty Members of the Uniformed Services; Adoption of CHAMPUS Procedures

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule partially implements 10 U.S.C. 1074(c), as amended by section 729 of the National Defense Authorization Act for Fiscal Year 1990 and 1991, Public Law 101-189. The recent amendment authorizes DoD to establish for the active duty supplemental care program payment rules similar to those used under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). The supplemental care program is the program which provides for the payment to civilian (non federal-governmental) health care providers for care provided to active duty members of the uniformed services. This proposed rule would adopt CHAMPUS payment amounts for the supplemental care program.

DATES: Written comments must be received on or before April 19, 1991.

ADDRESSES: Interested persons are invited to submit written comments to: Office of the Assistant Secretary of Defense (Health Affairs), Health Services Financing, room 1B657, Pentagon, Washington, DC 20301-1200.

FOR FURTHER INFORMATION CONTACT: Lt. Col. Ray Kincy, USAF, room 1B657, Pentagon, Washington, DC 20301-1200, telephone: (703) 697-8975.

SUPPLEMENTARY INFORMATION:

I. Background

The primary DoD program for purchasing health care services from private sector providers for uniformed services beneficiaries is the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), which is administered pursuant to 32 CFR part 199. CHAMPUS, however, does not cover active duty members of the uniformed services, who receive most of their health care from military medical treatment facilities. In those limited circumstances in which active duty members need care from private sector providers, such as in emergency situations, when they are stationed in an area not served by a military facility or when care is unavailable in the military treatment facility, this care is provided under the supplemental care program. This program currently is operated entirely independently from CHAMPUS and is administered by the respective uniformed services.

The implementation by CHAMPUS in recent years of more economical payment methods, particularly the DRG-based payment system for most inpatient hospital services, gave rise to a provision in the National Defense Authorization Act for Fiscal Years 1990 and 1991, Public Law 101-189, section 729, authorizing DoD to establish for the