

to adjacent properties shall not be permitted from within the utility strip.

(3) Nothing in this part shall be construed as prohibiting a highway agency from adopting a more restrictive policy than that contained herein with regard to longitudinal utility installations along freeway right-of-way and access for constructing and/or for servicing such installations.

* * * * *

5. Section 645.211 is amended by revising paragraph (a) and adding paragraphs (e) and (f) as follows:

§ 645.211 State highway agency accommodation policies.

* * * * *

(a) Utilities must be accommodated and maintained in a manner which will not impair the highway or adversely affect highway or traffic safety. Uniform procedures controlling the manner, nature and extent of such utility use shall be established.

* * * * *

(e) The State highway agency shall set forth in its utility accommodation plan detailed procedures, criteria, and standards it will use to evaluate and approve individual applications of utilities on freeways under the provisions of § 645.209(c) of this part. The State highway agency also may develop such procedures, criteria and standards by class of utility. In defining utility classes, consideration may be given to distinguishing utility services by type, nature or function and their potential impact on the highway and its user.

(f) The means and authority for enforcing the control of access restrictions applicable to utility use of controlled access highway facilities should be clearly set forth in the State highway agency plan.

6. Section 645.215 is amended by removing paragraph (d)(2), by redesignating paragraph (d)(3) to read as paragraph (d)(2), and by revising paragraph (b) as follows:

§ 645.215 Approvals.

(b) Upon determination by the FHWA that a State highway agency's policies satisfy the provisions of 23 U.S.C. 109, 111, and 116, and 23 CFR 1.23 and 1.27, and meet the requirements of this regulation, the FHWA will approve their use on Federal-aid highway projects in that State

* * * * *

[FR Doc. 88-2104 Filed 1-29-88; 9:39 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-266; Re: Notice No. 631]

Middle Rio Grande Valley Viticultural Area

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

ACTION: Final rule. Treasury decision.

SUMMARY: This final rule establishes a viticultural area known as Middle Rio Grande Valley, in Sandoval, Bernalillo, Valencia, and Socorro Counties, New Mexico. The viticultural area is located in central New Mexico (near Albuquerque) along the Rio Grande River. This final rule is based on a notice of proposed rulemaking published in the *Federal Register* on May 26, 1987, at 52 FR 19535, Notice No. 631. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: March 3, 1988.

FOR FURTHER INFORMATION CONTACT: Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue 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 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.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing 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 distinguished by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

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 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 received a petition for a viticultural area encompassing a narrow valley (no wider than 20 miles) along the Rio Grande River from just north of Albuquerque, New Mexico southward for approximately 106 miles to San Antonio, New Mexico. The viticultural area is known as Middle Rio Grande Valley. The petition was submitted by the Middle Rio Grande Chapter of the New Mexico Vine & Wine Society located in Albuquerque. The viticultural area consists of an irrigated valley of approximately 435 square miles. In response to the petition, ATF published a notice of proposed rulemaking in the *Federal Register*.

Local Viticultural History

Winemaking began in the Middle Rio Grande Valley with the establishment of Franciscan missions in the Seventeenth Century. Winemaking continued in the Middle Rio Grande Valley until Prohibition in 1920 when most vineyards were replaced by other crops. After repeal of Prohibition in 1933, viticulture was revived on a smaller scale. Today there are 6 bonded wineries in the viticultural area with others planned for the near future. There are twenty growers with more than one acre of wine grapes in the viticultural area with a total acreage of approximately 458 acres.

Evidence of Name

The name Middle Rio Grande Valley has been in use for many years to identify this area of New Mexico. In a report of Chief Engineer on the Chronological Development of the Rio Grande Basin, the name Middle Valley and Middle Rio Grande Valley were used to describe the settlement and agricultural attributes of the area. The report stated that the Middle Rio Grande Valley is probably one of the oldest irrigated areas in the United States. According to this report, the name Middle Rio Grande Valley applied to the area from Santa Fe, New Mexico southward to Socorro, New Mexico. Attached to the above described report was a map titled Rio Grande Valley which specifically identified an area of land between Albuquerque and Socorro as the Middle Rio Grande Conservancy District.

Boundary

The boundary of the Middle Rio Grande Valley viticultural area is adopted as proposed.

Geographical Evidence

(a) Climate

The climate in the Middle Rio Grande Valley is classified as arid continental type and it is characterized by low rainfall, warm summers, and mild winters. Most precipitation occurs during summer months as brief thunder showers. Snow occurs occasionally in the winter but accumulations are small. Winds are light to moderate and usually stronger during Spring months. The average number of days without killing frost ranges between 180 to 200 days in this belt. Minimum and maximum daily temperatures fluctuate 30 to 35 degrees. Two tables were published in the notice of proposed rulemaking showing the climate comparisons between the Middle Rio Grande Valley and the surrounding areas.

(b) Soils

The Middle Rio Grande Valley viticultural area is located in a Basin province of the Warm Desert Region of New Mexico. The Rio Grande River is the principal drainage for the Middle Rio Grande Valley. Soils within the viticultural area are on the nearly level floodplain adjacent to the river and are deep, highly stratified and typically non-gravelly. The Typic Torrifluent association is developed in alluvium of mixed origin. Most of the soil within this association is medium, moderately fine or fine textured, and a high percentage of it is well suited to irrigation for a wide variety of crops. Subsurface layers

are similar but may range in texture from sand to clay. Representative soil series of the Middle Rio Grande Valley are of Gila, Glendale or Vinton series. By contrast, soils adjacent to the viticultural area that occur on the strongly sloping uplands north of the Rio Grande plain have soils of the Typic Torriorthents which have gravelly, sandy surface layers and coarse textured subsurface layers. Soil series in this area are Bluepoint and Caliza. Higher soils are rough broken lands of Nickel and Canutio series and include a layer of gravel with subsurface caliche and clay layers. Steep side slopes cut with streambeds often show exposed areas of bedrock in the eroded hilly areas.

(c) Distinct Valley Area

The viticultural area follows the Rio Grande River and surrounding irrigated land for the length of 106 miles. Elevations within the area range from approximately 4,800 feet to 5,200 feet above sea level. The surrounding mountain areas located to the north, east, west and southwest have much higher elevations. There soils, water availability and climates differ from the Middle Rio Grande Valley area. Based on the evidence provided in the notice of proposed rulemaking, ATF finds that the Middle Rio Grande Valley viticultural area defines a region with unique climate and growing conditions and distinct valley features different from the surrounding areas.

Notice of Proposed Rulemaking

On May 28, 1987, Notice No. 631 was published in the *Federal Register* with a 45-day comment period. In that Notice, ATF invited comments from all interested parties regarding the proposal to establish "Middle Rio Grande Valley" as an American viticultural area. No comments were received from the public during the comment period.

Miscellaneous

ATF does not wish to give the impression by approving "Middle Rio Grande Valley" as a viticultural area that it is approving or endorsing the quality of the wine derived from this area. ATF is approving this area as being distinct and not better than other areas. By approving this viticultural area, wine producers are allowed to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of wines from "Middle Rio Grande Valley."

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in 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.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this final rule 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 effect 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.

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 proposed.

Drafting Information

The principal author of this document is Edward A. Reisman, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

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

Authority and Issuance

27 CFR Part 9—American Viticultural areas is amended as follows:

PART 9—[AMENDED]

Paragraph 1. The authority citation for Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. The table of contents in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.119 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.119 Middle Rio Grande Valley.

Par. 3. Subpart C is amended by adding § 9.119 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.119 Middle Rio Grande Valley.

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

(b) *Approved maps.* The approved maps for determining the boundaries of the "Middle Rio Grande Valley" viticultural area are 24 U.S.G.S. Quadrangle (7.5 Minute Series) maps and 1 (15 Minute Series) U.S.G.S. map. They are titled:

- (1) Abeytas, N. Mex. (1952), revised 1979.
- (2) Alameda, N. Mex. (1960), revised 1967 and 1972.
- (3) Albuquerque East, N. Mex. (1960), revised 1967 and 1972.
- (4) Albuquerque West, N. Mex. (1960), revised 1967 and 1972.
- (5) Belen, N. Mex. (1952), revised 1971.
- (6) Bernalillo, N. Mex. (1954), revised 1972.
- (7) Dalies, N. Mex. (1952), revised 1971.
- (8) Isleta, N. Mex. (1952), revised 1967 and 1974.
- (9) La Joya, N. Mex. (1952), revised 1971.
- (10) Lemitar, N. Mex. (1952), revised 1971.
- (11) Loma De Las Canas, N. Mex. (1959), revised 1979.
- (12) Loma Machete, N. Mex. (1954), revised 1972.
- (13) Los Griegos, N. Mex. (1960), revised 1967 and 1972.
- (14) Los Lunas, N. Mex. (1952), revised 1971 and 1974.
- (15) Mesa Del Yeso, N. Mex. (1959).
- (16) Placitas, N. Mex. (1954).
- (17) San Acacia, N. Mex. (1952), revised 1971.
- (18) San Antonio, N. Mex. (1948)—15 minute series.
- (19) San Felipe Pueblo, N. Mex. (1954), revised 1978.
- (20) Santa Ana Pueblo, N. Mex. (1954), revised 1978.
- (21) Socorro, N. Mex. (1959), revised 1971.
- (22) Tome, N. Mex. (1952), revised 1979.
- (23) Turn, N. Mex. (1952), revised 1979.
- (24) Veguita, N. Mex. (1952), revised 1979.
- (25) Wind Mesa, N. Mex. (1952), revised 1967.

(c) *Boundary description.* The boundary of the proposed Middle Rio Grande Valley viticultural area is as follows:

(1) The beginning point is at the transmission line tower in the middle of Section 34, T14N, R4E of the Santa Ana Pueblo, N. Mex. U.S.G.S. map;

(2) The boundary follows the power transmission line east for 2.5 miles until it converges with New Mexico State Route 25/Interstate 85 (now known as Interstate 25) at Sec. 1, T13N, R4E on the San Felipe Pueblo, M. Mex. U.S.G.S. map;

(3) It follows I-25 southwest for 1.2 miles until it arrives at an unimproved dirt road approx. .2 mile east of Algodones Cemetery, at Sec. 11, T13N, R4E on the Placitas, N. Mex. U.S.G.S. map;

(4) The boundary follows the unimproved dirt road southeast for 5.5 miles until it meets another unimproved dirt road at Tecolote, NM, south of Sec. 27 and 28, T13N, R5E;

(5) It travels southwest on the unimproved dirt road .7 mile until it meets NM-44 approx. 100 feet northwest of BM 6,075 in Placitas, NM, at T13N, R5E;

(6) It then goes southeast on NM-44 for approx. 250 feet until it intersects the 6,100 foot elevation contour line approx. 250 feet southeast of BM 6,075, at T13N, R5E;

(7) It then travels west for 3.5 miles on the 6,100 feet elevation contour line until it reaches a light-duty road on the Huertas Grant/Cibola National Forest Boundary at Sec. 6, T12N, R5E;

(8) The boundary runs north to northwest on the light-duty road for approx. .9 mile until it meets NM-44 next to BM 5,875 in Sec. 31, T13N, R5E;

(9) It travels west 5.2 miles on NM-44 until it arrives at I-25 (southbound interchange) near the Bernalillo Cemetery at T13N, R4E on the Bernalillo, N. Mex. U.S.G.S. map;

(10) It proceeds south on I-25 for approx. 8.6 miles until it intersects with NM-556 at the east bound interchange at Sec. 1, T11N, R3E on the Alameda, N. Mex. U.S.G.S. map;

(11) The boundary goes east approx. 5 miles on NM-556 until it intersects the 106°30' longitude meridian, T11N, R4E;

(12) Then it goes south on the 160°30' longitude meridian for approx. 4.5 miles until it arrives at Montgomery Blvd. at Sec. 34, T10/11N, R4E;

(13) The boundary travels west on Montgomery Blvd. for approx. 6.1 miles until it meets the south exit ramp of I-25 in Sec. 34, T11N, R3E;

(14) Then it travels south on I-25 for approx. 13.3 miles (through Albuquerque, N.M.) until it intersects

with NM-47 at Sec. 6, T8N, R3E on the Isleta, N. Mex. U.S.G.S. map;

(15) It heads south on NM-47 for approx. 3.2 miles until it converges with the 4,900 foot elevation contour line at Isleta Pueblo, NM, in Sec. 24, T8N, R2E;

(16) The boundary follows the 4,900 foot elevation contour line south for approx. 25 miles until it arrives at a point north on Madron, NM, at the Atchison, Topeka and Santa Fe Railroad (AT&SF RR) tracks, approx. 250 feet east of elevation mark 4,889 feet on the Turn, N. Mex. U.S.G.S. map;

(17) It then travels north on the AT&SF RR tracks for approx. 350 feet until it intersects NM-47 approx. 350 feet north of elevation mark 4,889 feet;

(18) The boundary goes southwest on NM-47 (through Turn, N.M.) for approx. 2.4 miles until it reaches the 106°45' longitude meridian between the Turn, N. Mex. & Veguita, N. Mex. U.S.G.S. maps;

(19) Then it travels south on the 106°45' longitude meridian for approx. 4.7 miles until it meets the 34°30' latitude parallel on the Veguita, N. Mex. U.S.G.S. map;

(20) It then proceeds west on the 34°30' latitude parallel for approx. 1 mile until it arrives at NM-47 approx. .75 mile south of San Juan Church;

(21) Then it moves south on NM-47 for approx. 13.2 miles until it reaches an improved light-duty road at La Joya, NM, approx. 500 feet west of La Joya Cemetery on the La Joya, N. Mex. U.S.G.S. map;

(22) It then travels south on the improved light-duty road for approx. 450 feet until it intersects another improved light-duty road;

(23) Then it goes 500 feet west on the improved light-duty road until it reaches a north-south unimproved road at a point approx. .9 mile east of the AT&SF RR tracks;

(24) The boundary heads south on the unimproved road for approx. 7.9 miles until it reaches the 34°15' latitude parallel on the La Joya, N. Mex. U.S.G.S. map;

(25) It travels west on the 34°15' latitude parallel for approx. .9 mile until it intersects the 106°52'30" longitude meridian on the Mesa Del Yeso, N. Mex. U.S.G.S. map;

(26) It then goes south on the 106°52'30" longitude meridian for approx. 3.3 miles until it intersects the south section line of Sec. 19, T1S, R1E;

(27) It then runs east for approx. 1.25 miles until it reaches the east section line (marked altitude 5,058 feet) of Sec. 20, T1S, R1E;

(28) It travels south on the section line for approx. 7.1 miles, until it meets the Grant Boundary at altitude mark 4,734

feet at Sec. 32/33, T2S, R1E on the Loma De Las Canas, N. Mex. U.S.G.S. map;

(29) It proceeds east on the Grant Boundary for .25 mile until it arrives at the section line (Grant Boundary at Sec. 32/33, T2S, R1E);

(30) The boundary moves south on the Grant Boundary for approx. 5.2 miles until it meets the (Grant Boundary) section line near altitude spot 4,702 feet at Sec. 28/29, T3S, R1E;

(31) The boundary goes west on the section line (Grant Boundary) for approx. .25 mile until it arrives at the section line at Sec. 28/29, T3S, R1E;

(32) Then it moves south on the section line for approx. 5.7 miles until it meets an unimproved dirt road at Bosquecito, N.M. on the west section line of Sec. 9, T4S, R1E on the San Antonio, N. Mex. (15 minute series) U.S.G.S. map;

(33) It heads south on the unimproved dirt road for approx. 2 miles until it changes to a light-duty road at Padilla Ranch in Sec. 21, T4S, R1E;

(34) It follows the light-duty road for 2.25 miles until it intersects US-380/85, in Sec. 33, T4S, R1E;

(35) Then it follows US-380/85, first west then it loops north for approx. 8 miles until it meets the 34° 00' latitude parallel;

(36) The boundary moves west on the 34° 00' latitude parallel of the Socorro, N. Mex. U.S.G.S. map for approx. .75 mile until it meets the 4,800 foot elevation contour line in Sec. 35;

(37) It meanders north on the 4,800 foot elevation contour line for approx. 9 miles until it meets the 34° 07' 30" latitude parallel;

(38) It travels east for approx. .2 mile on the 34°07'30" latitude parallel until it meets I-25 (US-60/85);

(39) It goes north on I-25 (US-60/85) for approx 27.8 miles until it meets the Belen Highline Canal levee approx. 1.6 mile south of San Antonio Church on the Veguita, N. Mex. U.S.G.S. map;

(40) Then the boundary follows the Belen Highline Canal north for approx. 9.4 miles until it intersects I-25, approx. .5 mile west of Bacaville, NM, on the Belen, N. Mex. U.S.G.S. map;

(41) Then it travels north on I-25 for approx. 16 miles until it meets the 34°52'30" latitude parallel on the Isleta, N. Mex. U.S.G.S. map;

(42) The boundary goes west on the 34°52'30" latitude parallel for approx. 1 mile until it arrives at the 106° 45' longitude meridian;

(43) Then it moves north on the 106° 45' longitude meridian for approx. 16.5 miles until it reaches the 35°07'30" longitude meridian on the Albuquerque West, N. Mex. U.S.G.S. map;

(44) At this point it heads east for approx. 1.2 miles along the 35° 07' 30" latitude parallel until it reaches the power transmission line towers at Sec. 3/4, T10N, R2E of the Los Griegos, N. Mex. U.S.G.S. map; and finally

(45) From there it follows the power transmission line towers (and for 1 mile along a connecting unimproved road) north and northeast for a total of approx. 24.4 miles to the point of beginning at Sec. 34, T14N, R4E, of the Santa Ana Pueblo, N. Mex. U.S.G.S. map.

Signed, January 11, 1988.

Stephen E. Higgins,
Director.

Approved.
January 19, 1988.

John P. Simpson,
Deputy Assistant Secretary (Regulatory,
Trade and Tariff Enforcement).

[FR Doc. 88-2050 Filed 2-1-88; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Approval in Part and Disapproval in Part of Amendments to the North Dakota Permanent Regulatory Program

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

ACTION: Final rule.

SUMMARY: OSMRE is announcing the approval, with certain exceptions, of a proposed amendment submitted by the State of North Dakota as a modification to its permanent regulatory program (hereinafter referred to as the North Dakota program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises State regulations on performance bonds, postmining land use and signs and markers for surface coal mining operations.

EFFECTIVE DATE: February 2, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Ennis, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building, 100 East B Street, Room 2128, Casper, Wyoming 82601-1918; Telephone: (307) 261-5776.

SUPPLEMENTARY INFORMATION:

I. Background

Information pertinent to the general background on the State program approval process, the North Dakota program submission, and the Secretary's findings, disposition of comments, and conditional approval of the program can be found in the December 15, 1980 *Federal Register* (45 FR 82214).

Subsequent actions concerning the approval of program amendments are identified at 30 CFR 934.15.

II. Submission of Amendment

On February 10, 1987, North Dakota submitted a proposed amendment addressing performance bonds, postmining land use and signs and markers for surface mining operations.

The April 14, 1987 *Federal Register* (52 FR 12002) announced receipt of the proposed amendment and invited public comment on its adequacy.

Since no one requested a public hearing, none was held. The public comment period closed on May 14, 1987, but was reopened as noted below.

On July 27, 1987, OSMRE notified the State of deficiencies found in the amendment and provided an opportunity for the State to submit further rule changes, policy statements, legal opinions or other evidence to show that the State's proposed modifications were consistent with the Federal requirements. At the State's request, the contents of this letter were further discussed with OSMRE at a meeting on August 7, 1987. By letter dated August 18, 1987, North Dakota submitted additional proposed rule changes addressing the identified deficiencies. On September 23, 1987, OSMRE announced receipt of the materials submitted on August 18, 1987, and reopened the public comment period until October 8, 1987 (52 FR 35735). On December 10, 1987, OSMRE sent North Dakota a second issue letter requesting further revisions and information to which North Dakota responded on December 14, 1987. OSMRE again reopened the public comment period until January 13, 1988, to allow for public review and comment on this new material (52 FR 49031, December 29, 1987).

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the amendments to the North Dakota Administrative Code (NDAC) submitted by North Dakota on February 10, 1987, and revised August 18, 1987, and December 14, 1987. Only those provisions of particular interest