

the People's Republic of China, to read as follows:

1533A \* \* \* \* \*

*GFW Eligibility:* Commodities that meet the technical specifications described in Advisory Notes 5 and 6 under this entry regardless of end-use, subject to the prohibitions contained in § 371.2(c).

\* \* \* \* \*

(Advisory) Note 7 for the People's Republic of China: \* \* \*

\* \* \* \* \*

(c) Spectrum analyzers employing time compression of the input signal for Fast Fourier Transform techniques not capable of:

- (1) Analyzing signals with a frequency greater than 100 kHz if the instrument uses time compression, or
- (2) Calculating 512 complex lines in less than 50 ms.

7. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 5 (Electronics and Precision Instruments), ECCN 1565A is amended by revising in the *GFW Eligibility* paragraph the phrase "Advisory Notes 3, 5, 7, and 9" to read "Advisory Note 3, 5, 7, or 9".

8. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 7 (Chemicals, Metalloids, Petroleum Products and Related Materials), ECCN 1702A is amended by adding a new (Technical) Note 3 and (Technical) Note 4, to read as follows:

1702A *Hydraulic fluids that contain as the principal ingredient(s) petroleum (mineral) oils, synthetic hydrocarbon oils, non-fluorinated silicones or fluorocarbons as described in this entry.*

\* \* \* \* \*

(Technical) Note 3: The higher test temperature of 700° F sustained for six hours is intended to simulate in a shorter time the long-term thermal effects at 650° F.

(Technical) Note 4: A schematic of the test apparatus is contained in Mil Spec MIL-H-27601A (USAF).

\* \* \* \* \*

9. In Supplement No. 1 to § 399.1 (the Commodity Control List), Commodity Group 9 (Miscellaneous) ECCN 5999B is amended by adding a "Note" at the end of the entry to read as follows:

5999B *Saps; specially designed implements of torture; straight jackets; plastic handcuffs; police helmets and shields; and parts and accessories, n.e.s.*

\* \* \* \* \*

*Special Crime Controls:* \* \* \*

Note: See ECCN 1746A for controls on police helmets containing 50% or more aromatic polyamide fiber by value.

Dated: May 10, 1988.

Vincent F. DeCain,  
Deputy Assistant Secretary for Export  
Administration.

[FR Doc. 88-10750 Filed 5-12-88; 8:45 am]

BILLING CODE 3510-DT-M

## FEDERAL TRADE COMMISSION

### 16 CFR Part 13

[Docket C-3225]

#### The Silver Group, Inc.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

**SUMMARY:** In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a San Francisco-based marketer of artificial tanning devices from misrepresenting that its devices do not pose for users a risk of any harmful side effect associated with sun exposure. Respondent is required to have reliable and competent scientific evidence for any health or safety claim it makes in any advertisement.

**DATES:** Complaint and Order issued April 13, 1988.<sup>1</sup>

**FOR FURTHER INFORMATION CONTACT:** Brinley H. Williams, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44114. (216) 522-4210.

**SUPPLEMENTARY INFORMATION:** On Wednesday, January 27, 1988, there was published in the *Federal Register*, 53 FR 2230, a proposed consent agreement with analysis in the Matter of The Silver Group, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly:

§ 13.10 Advertising falsely or misleadingly; § 13.195 Safety; § 13.195-60 Product; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests. Subpart—Corrective Actions And/OR Requirements: § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-40 Furnishing information to media; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation; § 13.533-45(k) Records, in general; § 13.533-50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods—Goods: § 13.1590-20 Federal Trade Commission Act; § 13.1730 Results; § 13.1740 Scientific or other relevant facts.

#### List of Subjects in 16 CFR Part 13

Suntanning devices, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Emily H. Rock,

Secretary.

[FR Doc. 88-10829 Filed 5-12-88; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-272; Re: Notice No. 652]

#### Realignment of the Boundary Common to the Alexander Valley and Chalk Hill Viticultural Areas

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

ACTION: Final rule; Treasury decision.

**SUMMARY:** This final rule establishes a realignment of the boundary common to the Alexander Valley and Chalk Hill viticultural areas so that vineyards immediately within the north-central leg of the boundary of the Chalk Hill viticultural area would be relocated to the southeastern corner of the Alexander Valley viticultural area. This final rule is based on a notice of proposed rulemaking published in the *Federal Register* on January 20, 1988, at 53 FR 1492, Notice No. 652. 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 viticultural areas as appellations of origins will also help

<sup>1</sup> Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th St. and Pennsylvania Ave., NW., Washington, DC 20580.

winemakers distinguish their products from wines made in other areas.

**EFFECTIVE DATE:** June 13, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Edward A. Reisman, Specialist, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, Room 6237, Washington, DC 20226, Telephone: (202) 566-7626.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in Title 27, Code of Federal Regulations, Part 4. These regulations allow the establishment of definite American viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin in the labeling and advertising of wine.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added to Title 27 a new Part 9 providing for the listing of approved American viticultural areas. Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, Part 4, 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 shall 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 boundary of the proposed 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 (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundary prominently marked. Establishment of the Chalk Hill and Alexander Valley Viticultural Areas.

With the issuance of T.D. ATF-155 on October 21, 1983 and T.D. ATF-187 on October 24, 1984, ATF established,

respectively, the Chalk Hill and the Alexander Valley viticultural areas in Sonoma County, California. On August 26, 1986, ATF issued T.D. ATF-233 which made several revisions to the boundary of the Alexander Valley viticultural area including the extension of the southern leg of the boundary to include the Digger Bend area east of Healdsburg.

**Petition**

By letter dated August 20, 1987, Ms. Willi Martin-Hilliard and Mr. Richard Godwin, owners and operators of separate vineyards sited on the south-facing slopes of Bell Mountain, filed a petition to extend the boundary of the Alexander Valley viticultural area approximately one mile south in order to include land on which is sited 76 acres of vineyards in the watershed of Martin Creek which flows into Barnes Creek to Brooks Creek and the Russian River. The petition, researched and prepared by William K. Crowley, a professor of geography at Sonoma State University in Santa Rosa, California, documented the name recognition, history and physical features of this area and includes declarations of support from neighbors, grape growers and local winemakers.

The petition included evidence that the land in the area enjoys name recognition and shares similar geological history, topographical features, soils, and climatic conditions as adjoining land within the boundary of the Alexander Valley viticultural area.

**Name**

The Alexander Valley viticultural area was established 30 days after the issuance of T.D. ATF-187 which was published in the *Federal Register* on October 24, 1984.

In early 1981, the Hilliards subdivided their property and sold the more northerly portion to Mr. Godwin. Also in 1981, the Hilliards planted 55 acres of wine grape vines on their portion of the subdivided property. In 1983, Mr. Godwin established a 21-acre vineyard on his property. The Hilliards and Mr. Godwin stated that these vineyards are in closer proximity to vineyards planted in the Alexander Valley viticultural area than vineyards planted in either the Chalk Hill viticultural area or in the Russian River viticultural area. In fact, a part of Mr. Godwin's property, on which no grapes are presently planted, lies within the existing boundary of the Alexander Valley viticultural area.

The Hilliards have advised ATF that they were unaware until the Spring of 1986 that their vineyards had been excluded from the boundary established

in November 1984 for the Alexander Valley viticultural area. Although the Hilliards planted their vineyards in 1981, they did not establish permanent residence on their property until November 1983.

Consequently, when ATF held a public hearing in Sonoma County in February 1983 to air the petition filed by the Alexander Valley Appellation Committee in 1981 and a second group's petition to include land north of Geyserville to the Mendocino County line, the Hilliards saw no need to give testimony at the hearing or to file a written comment.

The petition included a declaration of support from Mr. Frederick P. Furth, the petitioner for the Chalk Hill viticultural area. Included in Mr. Furth's letter was the statement "I have no objection to this (petition) and frankly have always considered your vineyards were in the Alexander Valley Appellation originally."

The petition also included letters of support from Messrs. Hank Wetzel, Russell H. Green, Jr., and Robert A. Young, wine grape growers in the Alexander Valley viticultural area, and wine producer Michael G. Dacres Dixon, all of whom were members of the Appellation Committee which filed the June 18, 1981, petition to establish the Alexander Valley viticultural area. All have demonstrated great concern that the Alexander Valley viticultural area be carefully defined and all maintain that these properties should have been included in the originally petitioned area.

The declarations supported the petitioners' statement that the vineyards planted in 1981 on the Hilliard property and in 1983 on the Godwin property "are most closely associated with the Alexander Valley, both by people living in the area and by their proximity to other Alexander Valley vineyards."

**Climate**

Thermograph readings for the petitioned area were taken in 1981 on the Hilliard property. These readings suggested that the vineyards lie on the boundary between Region I and Region II. The petition stated that the reading of 2,475 heat summation units "is similar to locations in the southern end of Alexander Valley, though obviously cooler than the central and northern portions." The petition noted that "because the property is in the boundary area of regular summer fog intrusions, readings could vary considerably from one year to the next, with the best guess that the (1981) reading is a relatively cool year."

## Soils

The petition stated that the principal soils of the Martin Creek area, namely, Felta very gravelly loams, Spreckels loam, and Yolo silt loam, "represent soil series and associations common to the existing Alexander Valley (viticultural area)."

## Topography

The southeastern leg of the boundary of the Alexander Valley viticultural area extends in an easterly direction from the summit of Chalk Hill to just south of the summit of Bell Mountain. The Martin Creek area lies on the south-facing slopes of Bell Mountain. The vineyards are planted on low hills ranging from 300 to 400 feet above sea level. Part of the petitioned area was within the Franz Creek drainage and part was within the Brooks Creek drainage. The points of confluence where the waters in these streams flow into the Russian River were within the boundary of the Alexander Valley viticultural area. The terrain of the Chalk Hill viticultural area to the south and west of the petitioned area was higher in elevation and more rugged than that of the petitioned area.

## Chalk Hill Viticultural Area

The proposal to revise the boundary of the Alexander Valley viticultural area affected a portion of the boundary common to the Chalk Hill viticultural area. The petitioners requested that the common boundary between the two viticultural areas be realigned so as to extend the southern leg of the boundary for the Alexander Valley viticultural area and to curtail the north-central leg of the boundary for Chalk Hill viticultural area.

The statement from the petitioner for the Chalk Hill viticultural area, the letters of support from the original petitioners for the Alexander Valley appellation, and the physical proximity of the vineyards in the petitioned area to vineyards within the present boundary of the Alexander Valley viticultural area supported the criteria for history and recognition of name. The limited climatic data suggested that the petitioned area lies in a transitional space between the inland "coastal warm" Alexander Valley viticultural area and the Chalk Hill viticultural area. The latter encompasses the higher elevation "coastal warm" areas near Mark West Springs as well as the "coastal cool" basin of the Russian River south of Fitch Mountain.

## Notice of Proposed Rulemaking

On January 20, 1988, Notice No. 652 was published in the *Federal Register*

with a 30-day comment period. The notice was titled "Realignment of the Boundary Common to the Alexander Valley and Chalk Hill Viticultural Areas." In that notice ATF invited comments from all interested parties. Three comments were received during the comment period.

One commenter with a winery located in Alexander Valley claimed that it used the appellation "Alexander Valley" since the 1975 vintage. The commenter supported the proposed realignment of the boundary. A second commenter supported the realignment. The commenter said that the area to be added to the Alexander Valley viticultural area had very similar climate, soil and topography to that viticultural area. The commenter concurred with the proposal to realign the boundary. The third commenter also concurred with the proposal because the realignment increasing the Alexander Valley viticultural area acreage would more accurately describe vineyard land that had similar geological history, topographical features, soils and climatic conditions.

## Realignment of Common Boundary

The description of the boundary of the established Alexander Valley viticultural area, as found in 27 CFR 9.53, is amended to include all of section 28 and portions of sections 27, 29, 33 and 34 in Township 9 N., Range 8 W. The description of the boundary of the established Chalk Hill viticultural area, as found in 27 CFR 9.52, is amended to exclude all of section 28 and portions of sections 27, 29, 33 and 34 in Township 9 N., Range 8 W. The amended boundary description appears in the regulation portion of this rulemaking.

## Miscellaneous

ATF does not wish to give the impression by approving this realignment of the boundary common to the Alexander Valley and Chalk Hill viticultural areas that it is approving or endorsing the quality of the wine derived from these two viticultural areas. ATF is approving these viticultural areas as being distinct and not better than other areas. By approving these realignments, wine producers within these areas 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 "Alexander Valley" and "Chalk Hill."

## 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. The final rule is not expected to have significant secondary or incidental effects 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 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.

## 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 imposed.

## 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, Consumer protection, Viticultural areas, Wine.

## Authority and Issuance

Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, is amended as follows:

## PART 9—[AMENDED]

Paragraph 1. The authority citation for 27 CFR Part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. ATF is amending § 9.53 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by removing existing paragraphs (c)(27) and (c)(28), redesignating paragraphs (c)(29) through (c)(40) as paragraphs (c)(35) through (c)(46), and adding new paragraphs (c)(27) through (c)(34) to read as follows:

§ 9.53 Alexander Valley.

(c) *Boundary.* \* \* \*

(27) Then south from said peak, in a straight line, approximately 0.2 mile to the point where Chalk Hill Road crosses Brooks Creek (on the Healdsburg Quadrangle map);

(28) Then southeasterly, approximately 1.3 miles, along the roadbed of Chalk Hill Road to the point near the confluence of Brooks Creek and Barnes Creek where Chalk Hill Road intersects an unnamed unimproved road (known locally as Spurgeon Road) that parallels Barnes Creek in section 32, T. 9 N., R. 8 W.;

(29) Then easterly, approximately 0.45 mile, along said road (known locally as Spurgeon Road) to the point where the road is intersected by an unnamed unimproved road (known locally as the access to the Shurtleff Ranch) in section 33, T. 9 N., R. 8 W.;

(30) Then continuing along the unnamed unimproved road (known locally as the access to the Shurtleff Ranch), approximately 1.33 miles, in a generally easterly direction, to the eastern terminus of said road at a small dwelling along the north fork of Barnes Creek in section 34, T. 9 N., R. 8 W. on the Mark West Springs, California, Quadrangle map;

(31) Then easterly along the north fork of Barnes Creek, approximately 0.5 mile, to the point in the northeast corner of section 34, T. 9 N., R. 8 W. where the north fork of Barnes Creek intersects the east line of section 34, T. 9 N., R. 8 W.;

(32) Then north, approximately 0.65 mile, along the east lines of sections 34 and 27, T. 9 N., R. 8 W., to the point at which an unnamed unimproved road which parallels the south bank of Martin Creek intersects the eastern border of section 27, T. 9 N., R. 8 W.;

(33) Then in a generally northwesterly direction, approximately 1.07 miles, along said road to the point at which the road is crossed by the west line of section 27, T. 9 N., R. 8 W.;

(34) Then north, approximately 0.08 mile, along the west line of section 27, T. 9 N., R. 8 W., to the southeast corner of section 21, T. 9 N., R. 8 W.;

Par. 3. ATF is amending § 9.52 of Subpart C of Title 27, Code of Federal Regulations, Part 9, by removing existing paragraphs (c)(13) and (c)(14), redesignating paragraphs (c)(15) through (c)(24) as paragraphs (c)(21) through (c)(30), and adding new paragraphs (c)(13) through (c)(20) to read as follows:

§ 9.52 Chalk Hill.

(c) *Boundary.* \* \* \*

(13) Then southerly, approximately 0.08 mile, along the west line of section 27, T. 9 N., R. 8 W., to the point at which an unnamed unimproved road which parallels the south bank of Martin Creek intersects the west line of section 27, T. 9 N., R. 8 W.;

(14) Then southeasterly, approximately 1.07 miles, along said road to the point at which the road is crossed by the east line of section 27, T. 9 N., R. 8 W.;

(15) Then southerly, approximately 0.65 mile, along the east lines of sections 27 and 34, T. 9 N., R. 8 W., to the point in the northeast corner of section 34, T. 9 N., R. 8 W. where the north fork of Barnes Creek intersects such line in section 34, T. 9 N., R. 8 W.;

(16) Then continuing along the north fork of Barnes Creek, approximately 0.5 mile, in a generally westerly direction to a small dwelling at the eastern terminus of an unnamed unimproved road (known locally as the access to the Shurtleff Ranch) in section 34, T. 9 N., R. 8 W.;

(17) Then continuing in a generally westerly direction, approximately 1.4 miles, along the unnamed unimproved road (known locally as the access to the Shurtleff Ranch) to its intersection with an unnamed unimproved road (known locally as Spurgeon Road) in section 33, T. 9 N., R. 8 W. on the Healdsburg, California, Quadrangle Map;

(18) Then westerly, approximately 0.45 mile, along the unnamed unimproved road (known locally as Spurgeon Road) to the point where the road intersects Chalk Hill Road in section 32, T. 9 N., R. 8 W.;

(19) Then in a generally northwesterly direction, approximately 1.3 miles, along Chalk Hill Road to the point where Chalk Hill Road crosses Brooks Creek in section 29, T. 9 N., R. 8 W.;

(20) Then north in a straight line, approximately 0.2 mile, to the top of a peak identified as Chalk Hill;

Signed: April 15, 1988.

Stephen E. Higgins,  
Director.

Approved: April 27, 1988.

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

[FR Doc. 88-10642 Filed 5-12-88; 8:45 am]

BILLING CODE 4810-31-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

**SUMMARY:** This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning June 1, 1988. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after June 1, 1988, and will remain in effect until the PBGC issues new interest rates and factors.

**EFFECTIVE DATE:** June 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** John Foster, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202-778-8824 (202-778-8859 for TTY and TDD only). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in Single-Employer Plans (29 CFR Part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under Title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). The recent amendments to Title IV made by the Pension Protection Act ("PPA"), a part of the Omnibus Budget Reconciliation Act of 1987, increase the amount of plan benefits for which an employer is responsible upon plan termination.