

submit to the Secretary of the Commission a copy of the Commission's final decision granting the award, accompanied by a verified statement that the applicant will not seek review of the decision in the United States courts. (Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.) The Commission will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding. Comments and accompanying material may be seen in or copies obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: June 4, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 82-16015 Filed 6-11-82; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-107; Ref: Notice No. 386]

#### Chalone Viticultural Area

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

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area located in Monterey and San Benito Counties, California, to be known as "Chalone." The name for this viticultural area was initially proposed as "The Pinnacles", in Notice No. 338 (45 FR 17027). However, based on comments received and testimony given at a public hearing on May 2, 1980, the Bureau of Alcohol, Tobacco and Firearms (ATF) concluded that the proposed name would be inappropriate if used to designate the proposed viticultural area. ATF, in Notice No. 386 (46 FR 49600), reopened the comment period for submission of alternative names in lieu of "The Pinnacles." The petitioner, Gavilan Vineyards, Inc., through its Chairman of the Board, Mr. Richard H. Graff, submitted the name "Chalone" as an alternative name, which was supported by another comment. ATF believes the establishment of Chalone as a viticultural area and its subsequent use

as an appellation of origin in wine labeling and advertising will allow the petitioner and other wineries which may produce wine from grapes grown in the area to better designate their specific grape-growing area and will enable consumers to better identify the wines they purchase.

**EFFECTIVE DATE:** July 14, 1982.

**FOR FURTHER INFORMATION CONTACT:** Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 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. These regulations also allow the name of the approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

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 viticultural areas. Section 9.11, Title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features.

Section 4.25a(e)(2), Title 27 CFR, outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

ATF was petitioned by the Gavilan Vineyards, Inc. (d.b.a. Chalone Vineyard) to establish a viticultural area in Monterey and San Benito Counties, California, to be named "The Pinnacles." In response to this petition, ATF published a Notice of Proposed Rulemaking and Notice of Hearing, No. 338, in the Federal Register on March 17, 1980 (45 FR 17027).

A public hearing concerning the proposal was held in Salinas, California, on May 2, 1980, and written comments were accepted until May 16, 1980. Five persons testified at the hearing and two written comments were submitted.

Based upon testimony presented at the public hearing and written comments submitted, ATF concluded that the proposed name, "The Pinnacles", was inappropriate to designate the proposed viticultural area. This determination was arrived at because of trademark claims by another winery and the possibility of consumer confusion that would result if the proposed name were approved. Therefore, ATF issued another Notice of

Proposed Rulemaking, No. 386, in the Federal Register on October 7, 1981 (46 FR 49600), reopening the comment period to solicit comments for alternative names. In particular, ATF requested comments concerning the names "Chalone", "Gavilan" or derivations of those names.

#### Comments for New Proposed Name

In response to the notice for alternative names, ATF received four comments. The comments were submitted by: the petitioner; Paragon Vineyard, a California winery not located in the vicinity of the proposed area; a law firm representing Foreign Vintages, Inc., an importer of distilled spirits; and a professor from the University of Illinois, College of Medicine.

The petitioner stated that the most satisfactory and proper designation for the viticultural area would be "the simple and unadorned word 'Chalone'." The petitioner further stated the name is associated with two of the most distinctive geographical features surrounding the proposed area, North and South Chalone Peaks. Paragon Vineyard also supported the name "Chalone" as being the most appropriate name while discounting the use of "Gavilan" as referring to numerous geographical features within California. The law firm representing the importer of distilled spirits objected to the use of "Gavilan" on the basis that their client has established common law and statutory rights as owner of the trademark "Gavilan" for tequila. The university professor commented that the proposed area was too restrictive to qualify for the designation Gavilan (or Gabilan) Mountains.

#### Evidence Relating to the Name "Chalone"

Paragon Vineyard submitted historical evidence which establishes the history of the name Chalone, dating back to 1816 at which time the name referred to a division of the Costanoan family which lived in the area. Further evidence was submitted which claimed that the Pinnacles Monument was initially called Chalone Peaks prior to being designated as a national monument. Within the area covered by the Pinnacles National Monument, the two most distinctive geographical features, according to the petitioner, are the North and South Chalone Peaks. The western boundary of the national monument is the eastern boundary of the viticultural area. One of the U.S.G.S. maps submitted with the petition is entitled "North Chalone Peak." Chalone

Creek encircles the viticultural area on two sides, the north and east.

The viticultural area contains one winery, Chalone Vineyard, and 120 acres of vines. The petitioner stated that approximately 50 percent of the proposed area is plantable; however, due to the shortage of water for irrigation, the majority of the area is not being cultivated.

ATF believes that sufficient evidence has been submitted which establishes the historical and current use of the name Chalone as applying to the proposed viticultural area.

#### Boundaries

The petitioner initially proposed boundaries which included 5760 acres of land which "has historically been farmed on the [geological] bench, as well as essentially all reasonably capable of being farmed." During the public hearing, the petitioner proposed an amendment to the boundaries of an additional 2880 acres which were omitted from the original petition through an oversight on his part and which he claims properly belong in the viticultural area. The petitioner further stated that it was initially his intention to avoid including too much unplanted land. Subsequently the boundaries were amended to include "more area that was not plantable in order to avoid omitting anything." The proposal to amend the boundaries did not receive any objections at the public hearing or in post-hearing comments submitted.

The viticultural area, as amended, consists of 8640 acres of rolling land located on a geological bench in the Gabilan (or Gavilan) Mountain Range of Central California. The area has a mean elevation of 1650 feet above sea level and drains into Bryant Canyon, Stonewell Canyon and Shirrtail Gulch. The boundaries are as follows: to the south and west, the points at which the land drops off sharply to the Salinas Valley; to the north, the ridge line (watershed divide) effectively dividing Monterey and San Benito Counties, and the Gloria Valley on the other side; and, to the east, the western boundary of the Pinnacles National Monument.

Based on the evidence submitted and testimony given at the public hearing, ATF has determined that the amended boundaries sufficiently distinguish the viticultural area from surrounding areas and, therefore, the amended boundaries are being adopted. While the boundaries do not precisely coincide with geographical outlines of the area, the use of section lines to describe the boundaries is acceptable in this instance since the section lines closely approximate natural boundaries.

The exact boundaries of the viticultural area and the appropriate U.S.G.S. maps used to determine the boundaries are listed in the final regulation of this document.

#### Geophysical Evidence

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish its viticultural features from surrounding areas. ATF has determined on the basis of the testimony presented at the public hearing and the written comments received that the proposed area is distinguished from the surrounding area in elevation, climate and soil.

The proposed area ranges in elevation from 1400 to 2000 feet above sea level, with a mean elevation of 1650 feet above sea level. The surrounding area to the south and west is characterized by a steep drop to the Salinas Valley, which has a mean elevation of 300 feet above sea level. The area to the east, the Pinnacles National Monument, is unavailable for private agriculture. Except for the Gloria Valley (which is distinguishable from the viticultural area for other reasons), the area to the north rises to higher elevations than those found in the viticultural area.

The petitioner claims that the differences in elevation between the Salinas Valley and the proposed area produce dramatic differences in climatic conditions. The climate of the Salinas Valley is tempered by the cooling winds from Monterey Bay which form a thick fog layer that extends to an elevation of 1000 feet. In summer the viticultural area is approximately 10 degrees warmer than the Salinas Valley because the former does not receive the cooling winds and fog cover from Monterey Bay.

The soils of the proposed area significantly differ from soils of surrounding areas. Within the proposed area, the soils primarily consist of Miocene volcanic and Mesozoic granitic rocks, heavy in limestone deposits. The Salinas Valley to the south and west consists of alluvium and river terrace rocks, while the Gloria Valley to the north is alluvial. The Pinnacles National Monument, to the east, though similar in mineral deposits, is unavailable for private agriculture.

#### 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) do not apply to this final rule because it will not have a significant economic impact on a substantial number of small entities. This final rule will not have any other significant effect on a substantial

number of small entities, or cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this final rule affects only one small entity.

Accordingly, it is 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

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or 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.

#### Miscellaneous

ATF is approving this area as being viticulturally distinct from surrounding areas. By approving the area, ATF is permitting wine producers to claim a distinction on labels and advertisements as to the origin of the grapes. Any commercial advantage gained can only be substantiated by consumer acceptance of Chalone wines.

#### Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

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

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

#### Authority

#### PART 9—AMERICAN VITICULTURAL AREAS

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.24. As amended, the table of sections reads as follows:

**Subpart C—Approved American Viticultural Areas**

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

9.24 Chalone.

Par. 2. Subpart C is amended by adding § 9.24 to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

§ 9.24 Chalone.

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Chalone viticultural area are four U.S.G.S. 7.5 minute quadrangle maps. They are titled:

- (1) "Mount Johnson, California, 1966";
- (2) "Bickmore Canyon, California, 1968";
- (3) "Soledad, California, 1955"; and
- (4) "North Chalone Peak, California, 1969."

(c) *Boundaries.* The Chalone viticultural area includes 8640 acres, primarily located in Monterey County, California, with small portions in the north and east located in San Benito County, California. The boundaries of the Chalone viticultural area encompass:

- (1) Sections 35 and 36, in their entirety, of T.16 S., R.6 E.;
- (2) Sections 1, 2 and 12, in their entirety, of T.17 S., R.6 E.;
- (3) Sections 6, 7, 8, 9, 16, and 17, in their entirety, the western half of Section 5, and the eastern half of Section 18 of T.17 S., R.7 E.; and
- (4) Section 31, in its entirety, and the western half of Section 32 of T.16 S., R.7 E.

Signed: May 17, 1982.

Stephen E. Higgins,  
*Acting Director.*

Approved: June 2, 1982.

John M. Walker, Jr.,  
*Assistant Secretary, (Enforcement and Operations).*

[FR Doc. 82-16021 Filed 6-11-82; 8:45 am]  
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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 1**

[CGD 81-063]

**Delegation of Authority Under the Regulatory Flexibility Act; Correction**

AGENCY: Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This document corrects the paragraph designation of a delegation of authority with respect to Regulatory Flexibility Act certifications, published at 46 FR 42268, Aug. 20, 1981.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Register, Office of the Chief Counsel, Coast Guard Headquarters G-LRA; (202) 426-1534.

**SUPPLEMENTARY INFORMATION:**

**PART 1—GENERAL PROVISIONS**

The Delegation of Authority published on August 20, 1981 (46 FR 42268) incorrectly placed the delegation within 33 CFR Part 1. The delegation should have been placed at 33 CFR § 1.05.-1(k), rather than at paragraph (i) as published.

Accordingly, the Delegation is corrected to read:

§ 1.05-1 General.

\* \* \* \* \*

(k) The Commandant redelegates to each Coast Guard District Commander and Captain of the Port the authority to make the certification in section 605(b) of the Regulatory Flexibility Act (Sec. 605(b), Pub. L. 96-354, 94 Stat. 1168 (5 U.S.C. 605)) for rules that they issue.

E. H. Daniels,  
*Chief Counsel.*

[FR Doc. 82-15936 Filed 6-11-82; 8:45 am]  
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**33 CFR Part 127**

[CGD 13-82-03]

**Security Zone—Strait of Juan de Fuca and Hood Canal, Washington**

AGENCY: Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment to the Coast Guard's Security Zone Regulations establishes two Security Zones within the waters of Northwestern Washington during the port call of the USS *Ohio* (SSBN 726). These security zones are established to safeguard the USS *Ohio* while she transits to and from the U.S. Naval Submarine Base, Bangor, Washington through the Strait of Juan De Fuca and the Hood Canal and while moored at her homeport in the Hood Canal. The effect of this Rule will be to close portions of the Strait of Juan De Fuca and Hood Canal from use by general maritime traffic while the USS *Ohio* is within the waters of Northwestern Washington.

**DATES:** This amendment is effective on August 1, 1982 or when the USS *Ohio*

enters the waters of Northwestern Washington whichever occurs last and will remain in effect until the vessel's departure from the navigable waters of the United States but in no case will its provisions extend beyond December 31, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander Timothy G. M. Balunis, c/o Captain of the Port, 1519 Alaskan Way S., Seattle, Washington 98134; Tel: (206) 442-1853.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

During August of 1982, the USS *Ohio* (SSBN 726) will arrive within the waters of Northwestern Washington to commence its assigned duties in the national defense operating out of its homeport the United States Naval Submarine Base at Bangor, Washington. Considerable public attention has been focused on this vessel's arrival as the first defense resource of its kind in this area. There have been numerous reports of activities planned to disrupt the vessel's ability to perform her mission by delaying her arrival and departure from the U.S. Naval Submarine Base. Similarly, the U.S. Naval Submarine Base itself will reportedly be the focus of much public protest concerning the USS *Ohio's* mission capabilities during the period of time that the vessel is in port. The United States Navy has requested the implementation of these security areas. The security zones will be enforced by representatives of the Captain of the Port, Seattle, Washington. The Captain of the Port will be assisted in enforcing these security zones by local law enforcement authorities.

**Prohibited Acts**

As provided in the General Security Zone Regulations (333 CFR 127.15) no person or vessel may enter a security zone unless authorized by the Captain of the Port.

**Penalties**

Violation of this security zone will result in prosecution under the authority of 50 U.S.C. 191, which provides for the seizure and forfeiture of vessels and imprisonment for up to 10 years and a fine of up to \$10,000.

Rule-making procedures have not been followed in accordance with 5 U.S.C. 553 since this action involves a military affairs function of the United States.

**Drafting Information**

The principal persons involved in the drafting of the rulemaking are LCDR Timothy G. M. Balunis, Project Officer.