

to redemption of property and release of liens on property.

(b) *Uneconomical levy*—(1) *In general.* No levy may be made on property if the district director estimates that the anticipated expenses with respect to the levy and sale will exceed the fair market value of the property. The estimate is to be made on an aggregate basis for all of the items that are anticipated to be seized pursuant to the levy. Generally, no levy should be made on individual items of insignificant monetary value. For the definition of fair market value, see § 301.6325-1(b)(1)(i). See § 301.6341-1 concerning the expenses of levy and sale.

(2) *Time of estimate.* The estimate, which may be formal or informal, is to be made at the time of the seizure or within a reasonable period of time prior to a seizure. The estimate may be based on earlier estimates of fair market value and anticipated expenses of the same or similar property.

(3) *Examples.* The following examples illustrate the application of this paragraph:

Example 1. A district director anticipates that Taxpayer A has only one item of property that can be seized and sold. This item is estimated to have a fair market value of \$250.00. The district director also estimates that the costs of seizure and sale will total \$300.00 if this item is seized. The district director is prohibited from levying on this one item of Taxpayer A's property because the costs of seizure and sale are estimated to exceed the property's fair market value.

Example 2. The facts are the same as in *Example 1* except that the district director anticipates that Taxpayer A has 10 items of property that can be seized and sold. Each of those items is estimated to have a fair market value of \$250.00. The district director also estimates that the costs of seizure and sale will total \$300.00 regardless of how many of those items are seized. The district director is prohibited from levying on only one item of Taxpayer A's property because the cost of seizure and sale are estimated to exceed the fair market value of the single item of property. The district director, however, would not be prohibited from levying on two or more items of Taxpayer A's property because the aggregate fair market value of the seized property would exceed the estimated costs of seizure and sale.

Example 3. A taxpayer has three items of property, A, B, and C. The district director anticipates that the value of items A, B, and C depends on their being sold as a unit. The district director estimates that due to high anticipated costs of storing or maintaining item B prior to the sale, the aggregate fair market value of items A, B, and C will not exceed the anticipated expenses of seizure and sale if all three items are seized. Accordingly, the district director is prohibited from levying on items A, B and C.

Example 4. The facts are the same as in *Example 3* except that the district director

does not anticipate that the value of items A, B, and C depends on those items being sold as a unit. If the district director estimates that the aggregate fair market value of items A and C exceeds the aggregate anticipated costs of the seizure and sale of those two items, items A and C can be seized and sold. The district director is prohibited from levying on item B because the high cost of storing or maintaining item B prevents the aggregate fair market value of items A, B, and C from exceeding the anticipated expenses of seizure and sale if all three items are seized.

(c) *Restriction on levy on date of appearance.* Except for continuing levies on salaries or wages described in § 301.6331-1(b)(1), no levy may be made on any property of a person on the day that person, or an officer or employee of that person, is required to appear in response to a summons served for the purpose of collecting any underpayment of tax from the person. For purposes of this paragraph (c), the date on which an appearance is required is the date fixed by an officer or employee of the Internal Revenue Service pursuant to section 7605 or the date, if any, fixed as the result of a judicial proceeding instituted under sections 7604 and 7402(b) seeking the enforcement of such summons.

(d) *Jeopardy.* Paragraphs (a) and (c) of this section do not apply to a levy if the district director finds, for purposes of § 301.6331-1(a)(2), that the collection of tax is in jeopardy.

(e) *Effective date.* These regulations will become effective on December 10, 1992.

Shirley D. Peterson,
Commissioner of Internal Revenue.
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 763; 92F-014P]

Dunnigan Hills Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located in Yolo County, California, to be known as "Dunnigan Hills." This proposal is the result of a petition filed by Ron McClendon of R.H. Phillips Vineyards.

ATF believes that the establishment of viticultural areas and the subsequent

use of viticultural area names as appellations of origin in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make the wine were grown and enables consumers to better identify the wines they purchase.

DATES: Written comments must be received by January 25, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch; Bureau of Alcohol, Tobacco and Firearms; P.O. Box 50221; Washington, DC 20091-0221; Attn: Notice No. 763.

FOR FURTHER INFORMATION CONTACT: Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226 (202-927-8230).

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 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 a new part 9 to 27 CFR, providing 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, 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 features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey

(U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

Petition

ATF has received a petition from R.H. Phillips Vineyards proposing to establish a viticultural area in northwestern Yolo County, California, to be known as "Dunnigan Hills." The proposed viticultural area is located near Sacramento, California, and between the Napa Valley viticultural area on the west and the Clarksburg, Merritt Island and Lodi viticultural areas to the southeast. The proposed area contains approximately 89,000 acres, of which 1,118 acres are planted to vineyards. The terrain in the proposed viticultural area is characterized by gently rolling hills of 100 to 400 feet elevation. The petitioner states that two wineries and 6 vineyards are located within the proposed viticultural area.

Evidence of Name

According to the petitioner, the Dunnigan Hills area was settled in the 1850's and 1860's by western Europeans who raised grain and livestock. In 1853, A.W. Dunnigan opened a hotel which was known as Dunnigan's. In 1876, the Northern Railway was extended to Dunnigan's hotel and a town plat was recorded for the town of Dunnigan. The nearby hills were soon known as the Dunnigan Hills.

Evidence that the name of the proposed area is locally and/or nationally known as referring to the area specified in the petition includes:

(a) The name "Dunnigan Hills" appears on each of the three U.S.G.S. maps submitted with the petition.

(b) The name "Dunnigan Hills" appears in the United States Department of Agriculture Soil Survey of Yolo County California (1972).

(c) The petitioner states that the name "Dunnigan Hills" was used to describe the subject area as early as 1913 by Tom Gregory in *A History of Yolo County* and as recently as 1987 by Joann Larkey, in *Yolo County, Land of Changing Patterns*.

Evidence of Boundaries

Each of the U.S.G.S. maps used to delineate the boundary of the proposed area shows the name "Dunnigan Hills" over an area which roughly coincides with the boundaries of the proposed Dunnigan Hills viticultural area. According to the petitioner, the southern, eastern and northern boundaries of the Dunnigan Hills are

distinguished by a change from the low, rolling hills of the proposed area to the flat terrain of the floor of the Sacramento Valley. On the west, the terrain changes to the steeper and higher slopes of the Coast Range.

Geographical Features

The Dunnigan Hills are a group of low, rolling hills running in a northwest to southeasterly direction for about 19.5 miles. At the widest point, the hills are about 10 miles wide.

The petitioner provided the following evidence relating to features which he contends distinguish the proposed viticultural area from the surrounding areas:

Topography and Elevation

The Dunnigan Hills rise out of a part of the Sacramento Valley which is nearly flat, varying only between 60 and 130 feet above sea level. In contrast to the surrounding valley floor, the proposed area consists of low, rolling hills, which rise to an elevation of about 400 feet above sea level. The hills are crossed by streams that flow west to east out of the Coast Range. On the west, the Dunnigan Hills drop to an elevation of approximately 250 feet before the transition to the steeper, higher slopes of the Coast Range begins. The terrain in the Coast Range rises rapidly to 1,200 and 1,600 feet, with peaks which are even higher.

Soil

The predominant soils in the proposed area are the Corning-Hillgate association, well-drained, gently sloping to moderately steep gravelly loams or loams on terraces, and the Sehorn-Balcom association, well-drained, gently sloping to steep silty clay loams and clays over sandstone. Soils outside the area include the Dibble-Millsholm and Positas associations in the foothills of the Coast Range to the west, and the Yolo-Brentwood, Rincon-Marvin-Tehama, Capay-Clear Lake and Willows-Pescadero associations on the valley floor to the north, south and east.

Climate

The petitioner states that the proposed area is warmer in the summer and winter than the Coast Range highlands to the west. He also states that the area is less prone to frost damage in the spring than the rest of the Sacramento Valley because "the hills and streams provide better air drainage than that found on the valley floor to the north, east and south of the Dunnigan Hills." This air drainage also makes the proposed area cooler than the surrounding valley floor in summer.

Proposed Boundary

The boundary of the proposed Dunnigan Hills viticultural area may be found on three United States Geological Survey (U.S.G.S.) maps with a scale of 1:62500. The boundary is described in § 9.145.

Executive Order 12291

It has been determined that this proposed regulation is not a major regulation as defined in Executive Order 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. Any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from a particular area. No new requirements are proposed. Accordingly, a regulatory flexibility analysis is not required.

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 of proposed rulemaking 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 is not exempt for 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 Marjorie D. Ruhf, 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, and Wine.

Authority and Issuance

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The authority citation for part 9 continues to read as follows:
Authority: 27 U.S.C. 205.

Par. 2. Subpart C is amended by adding § 9.145 to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.145 Dunnigan Hills.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Dunnigan Hills viticultural area are three U.S.G.S. 15 minute series topographical maps of the 1:62500 scale. They are titled:

- (1) "Guinda, Calif.," 1959.
- (2) "Dunnigan, Calif.," 1953.
- (3) "Woodland, Calif.," 1953.

(c) *Boundary.* The Dunnigan Hills viticultural area is located in Yolo County, California. The boundary is as follows:

(1) The beginning point is on the Dunnigan, Calif., U.S.G.S. map at the intersection of Buckeye Creek and U.S. Route 99W just south of the Colusa—Yolo county line;

(2) From the beginning point, the boundary follows Route 99W in a southeasterly direction until an unnamed westbound light-duty road coincident with a grant boundary (referred to by the petitioner as County Road 17) diverges from Route 99W just north of the town of Yolo, California, on the Woodland, Calif., U.S.G.S. map;

(3) The boundary then follows the Country Road 17 for approximately 2

miles to an unnamed southbound light duty road (referred to by the petitioner as County Road 95A);

(4) The boundary then follows County Road 95A south for approximately ½ mile to an unnamed westbound light duty road (referred to by the petitioner as County Road 17A);

(5) The boundary then proceeds west along County Road 17A for approximately ¾ mile to an unnamed southbound light duty road (referred to by the petitioner as County Road 95);

(6) The boundary then proceeds south along County Road 95 for approximately 1 mile to an unnamed light duty road which goes in a southwesterly direction (referred to by the petitioner as County Road 19);

(7) The boundary then proceeds southwest along County Road 19 for approximately ¼ mile to an unnamed light duty road which travels south-southwest (referred to by the petitioner as County Road 94B);

(8) The boundary then proceeds southwest along County Road 94B approximately 1¼ mile until it intersects Cache creek

(9) The boundary then follows Cache Creek in a westerly direction 5.5 miles until it intersects an unnamed north-south light duty road approximately 1 mile north of the city of Madison, California (referred to by the petitioner as County Road 89);

(10) The boundary then follows County Road 89 two miles in a northerly direction back on to the Dunnigan, Calif., U.S.G.S. map where it intersects an unnamed light duty road (referred to by the petitioner as County Road 16);

(11) The boundary follows County Road 16 west for approximately 2 miles onto the Guinda, Calif., U.S.G.S. map, where it turns north onto an unnamed light-duty road between sections 31 and 32 of T10N/R1W (referred to by the petitioner as County Road 87);

(12) The boundary follows County Road 87 north for 2 miles to an unnamed east-west light duty road (referred to by the petitioner as County Road 14);

(13) The boundary follows County Road 14 west for 3 miles, and then leaves the unnamed road and turns north on the dividing line between sections 22 and 23 of T11N/R2W;

(14) The boundary continues due north until it intersects Little Buckeye Creek just south of the Yolo-Colusa county line;

(15) The boundary then follows Little Buckeye Creek in an easterly direction until it joins Buckeye Creek;

(16) The boundary then follows Buckeye Creek in an easterly direction

back to the point of beginning on the Dunnigan, Calif., U.S.G.S. map.

Stephen E. Higgins,
Director.

[FR Doc. 92-30002 Filed 12-10-92; 8:45 am]
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POSTAL SERVICE

39 CFR Part 111

Address Information Product Cycle and Mandatory Update Change

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This rule proposes to change the frequency of required use of updated address information product files from four times a year to six times a year. The Computerized Delivery Sequence File (CDS) will not be affected by the frequency change. This action will reduce the potential for outdated address information being applied to mailings.

DATES: Comments must be received on or before January 18, 1993.

ADDRESSES: Written comments should be directed to Susan Hawes, Address Management Office, Customer Service Support, U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., room 5801, Washington, DC 20260-6803.

Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Address Management Office, Customer Service Support, room 5801, U.S. Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260-6803.

FOR FURTHER INFORMATION CONTACT: Susan Hawes, (202) 268-3503.

SUPPLEMENTARY INFORMATION: The Postal Service makes a variety of address information products available to mailers for the purpose of validating mailing address information and obtaining access to postal rate discounts. The Postal Service proposes to change the current quarterly product cycle dates for these products to bimonthly cycles. The requirements and mandatory usage dates for these products will remain unchanged (i.e., CRIS, 75 days; ZIP+4, 6 weeks). Currently updates are produced by January 15, April 15, July 15, and October 15 of each year. Mailers are then required to update their lists within a specified time to qualify for certain postage discounts. For example, mailers using the Carrier Route