

self-regulatory organization disciplinary actions and administrative law judge initial decisions and certain rulemaking proceedings. Since publication of the rules, the Commission has received from interested persons a number of requests for extension of the comment period.

**DATES:** Comments must be submitted on or before February 4, 1994.

**ADDRESSES:** Comments should be addressed to File No. S7-40-92, Attention: Jonathan G. Katz, Secretary; U.S. Securities and Exchange Commission; 450 Fifth Street, NW.; Stop 6-9; Washington, DC 20549. All comments received will be available for public inspection and copying in the Commission's Public Reference Room 450 Fifth Street, NW., Washington, DC 20549.

**FOR FURTHER INFORMATION CONTACT:** Andrew Z. Glicknar or Daniel O. Hirsch, Office of the General Counsel at (202) 272-2428; U.S. Securities and Exchange Commission; 450 Fifth Street, NW.; Stop 6-6; Washington, DC 20549.

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

On November 5, 1993, the Commission authorized publication in the *Federal Register* of a proposal to make major amendments to the Commission's Rules of Practice. Published on November 22, 1993 (58 FR 61732), this proposal stems from the work of the Commission's Task Force on Administrative Proceedings, chaired by Commissioner Mary Schapiro. In addition to updating the Commission's existing rules and make them more consistent with actual practices, the proposed revisions would establish procedures to implement the authority granted to the Commission by the Securities Enforcement Remedies and Penny Stock Reform Act. The Commission requested that comments be received by January 6, 1994.

Since the publication of the Rules, the Commission has received from interested persons a number of requests for an extension of the comment period. On December 27, 1993, an Ad Hoc Committee of the American Bar Association that is preparing comments in response to the Commission's proposal sent a letter requesting that the comment period be extended from January 6, 1994 to February 1, 1994. The stated reason for this request is the ABA requires more time because of the breadth of the Commission's proposal and its accompanying commentary. Three other parties have contacted the Commission's Office of the General

Counsel to request an extension of the comment period.

##### II. Discussion

In light of the length and complexity of the release and the benefits to the Commission of receiving carefully considered comments, the Commission believes a reasonable extension of the comment period is appropriate. Therefore, in order to assist interested participants in their consideration and preparation of carefully reasoned comments, the Commission is extending the comment period for all persons to February 4, 1994.

##### III. Conclusion

The comment period for responding to Securities Exchange Act Release No. 34-33163 is extended to February 4, 1994.

Dated: January 5, 1994.

By the Commission:

**Margaret H. McFarland,**

*Deputy Secretary.*

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#### DEPARTMENT OF THE TREASURY

##### Bureau of Alcohol, Tobacco and Firearms

##### 27 CFR Part 9

[Notice No. 787 and 93F-022P]

RIN 1512-AA07

##### Seiad Valley Viticultural Area

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area located in Siskiyou County, California, to be known as "Seiad Valley." This proposal is the result of a petition filed by Brian J. Helsaple of Seiad Valley 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 March 14, 1994.

**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. 787. Copies of written comments received in response to this notice of proposed rulemaking will be available for public inspection during normal business hours at: ATF Reference Library, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Avenue, NW., Washington, DC 20226.

**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 Brian J. Helsaple of Seiad Valley Vineyards proposing to establish a viticultural area in Siskiyou County, California, to be known as "Seiad Valley." The proposed viticultural area is located in northwestern California, about 15 miles south of the Oregon border. It contains approximately 2160 acres, of which approximately 2.5 acres are planted to vineyards. Seiad Valley Vineyards is the only commercial grower and the only wine producer currently active within the proposed viticultural area.

#### Evidence of Name

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 U.S.G.S. map used to show the boundaries of the proposed area (the Seiad Valley Quadrangle 7.5 minute series map) uses the name "Seiad Valley" to describe the area immediately surrounding Seiad Creek, corresponding to the portion of the proposed area which is north of the Klamath River. The map also shows the town of Seiad Valley within this area. The map shows no separate designation for the portion of the proposed area south of the Klamath River, which is drained by Grider Creek.

(b) The petitioner provided excerpts from the 1957 issue of *Siskiyou Pioneer*, an annual publication of the Siskiyou County Historical Society, which discuss the history of the name Seiad Valley, and local understanding of the extent of the area known as Seiad, or Seiad Valley. "Sciad," by Betty Livingston and Hazel Davis, states the name Seiad was originally spelled Sciad, and the creek and valley were called that by the trappers "before the prospectors came in 1850." Sometime after 1871, the spelling of the name changed to Seiad. In "Gold Mining from Scott Bar to Happy Camp," by J.B. Grider, the following description appears:

Seiad is a small valley two miles long and one mile wide \* \* \* There are two large creeks in Seiad, Grider Creek and Seiad Creek. Grider Creek flows north into the Klamath from the Marble Mountain territory. Seiad creek flows south into the Klamath from the Siskiyou and Red Mountain."

(c) The petitioner also provided a copy of a claim document dated August 26, 1942, which states the Grider Creek

mining claim is "situate in the Seiad Mining District."

#### Evidence of Boundaries

The petitioner has defined the proposed area primarily by its elevation, using the 1600 and 1800 foot contour lines. As evidence that the proposed boundaries for the area are as specified in the petition, the petitioner states that the vegetation within and outside the area provides a dramatic contrast. Within the proposed area, cottonwood, oak and willow trees and wild blackberries and grapes grow in addition to the cultivated crops. Outside the proposed area, on the higher slopes of the surrounding mountains, conifers such as cedar, Douglas fir and Ponderosa pine predominate in the thin, eroded soils with scant summer moisture.

#### Geographical Features

The proposed viticultural area consists of the valleys drained by Seiad Creek and Grider Creek, which both flow into the Klamath River in northwestern California. According to the petitioner, these valleys and an expanse of land along the Klamath River which connects them share characteristics of topography, soil composition and climate which distinguish the proposed viticultural area from the surrounding areas. The petitioner provided the following evidence to support his claims:

#### Topography

The U.S.G.S. topographic map submitted by the petitioner shows the proposed area is a relatively flat area varying in elevation from 1,400 to 1,600 feet, with a small portion as high as 1,800 feet, surrounded by steeply rising terrain. Outside the area, the elevation ranges from 2,000 to 2,800 feet, with peaks exceeding 3,000 feet on all sides, and some peaks as high as 3,900 feet. The petitioner explains that snow melt, runoff, and erosion from these higher areas into the valley create a contrast in both the quality of soils and the availability of water within and outside the proposed area. The lower elevation within the proposed area also contributes to more moderate temperatures there.

#### Soil

The petitioner states that the valley floor "is composed of deep fertile soil mixtures of loam, sand, clay and rocks eroded from the surrounding mountain slopes." According to a draft environmental impact report prepared in 1975 by the California Department of Transportation, the valley floor is

"mostly alluvium deposits which were widely dredged and hydraulically mined for gold. Chromite was also mined within the Seiad Valley area." Dredging left "tailings," or piles of rounded rocks, wherever the dredge operated. The petitioner states that these granite-dominated rock tailings store heat during the day and provide protection against frost in spring and fall.

#### Climate

The petitioner provided the following material related to the climate in the area:

(a) An article in the *Pioneer Press* of September 16, 1992, titled "Rock-pile grapevines surprising all experts," contrasted Siskiyou County growing conditions with those in Seiad Valley vineyard: "What's stopped the area from becoming a wine-producing area are the erratic late spring freezes in the zone where elevations are low enough to even make it possible. And in some of the county's lowest elevation areas, the precipitation levels are too high." The article stated the rock tailings in his vineyard "may give Helsaple just the edge he needs to be the county's first successful longterm wine grape grower."

(b) The *Sunset New Western Garden Book*, 1979 edition, climate map of northern California and western Nevada showed Seiad Valley as Zone 7, and characterizes a Zone 7 climate as having hot summers and mild but pronounced winters, favorable for deciduous fruit that requires a marked seasonal pattern.

#### Proposed Boundary

The boundary of the proposed Seiad Valley viticultural area may be found on one United States Geological Survey (U.S.G.S.) map with a scale of 1:24000. The boundary is described in § 9.148.

#### Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined in Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this Executive Order.

#### 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. We are particularly interested in comments concerning application of the name "Seiad Valley" to the area south of the Klamath River, which is drained by Grider Creek. 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 from disclosure. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Marjorie D. Ruhf, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

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

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

#### Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be 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 § 9.148 to read as follows:

#### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

##### § 9.148 Seiad Valley.

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

(b) *Approved map.* The appropriate map for determining the boundary of the Seiad Valley viticultural area is a U.S.G.S. 7.5 minute series topographical map of the 1:24000 scale, titled "Seiad Valley, Calif.," 1980.

(c) *Boundary.* The Seiad Valley viticultural area is located in Siskiyou County, California. The boundary is as follows:

(1) The beginning point is the intersection of the 1600 foot contour line with the power transmission line north of the Klamath River, near Mile 130;

(2) From the beginning point, the boundary follows the 1600' contour line in a generally northeasterly direction until it reaches the intersection of an unnamed light duty road and an unimproved road just west of Canyon Creek;

(3) The boundary then follows the unimproved road north to its end, then goes east in a straight line until it reaches the 1800' contour line;

(4) The boundary then follows the 1800' contour line in a northeasterly direction to the point, near Sawmill Gulch, where the contour line crosses Seiad Creek and turns south and west;

(5) The boundary continues to follow the 1800' contour line as it proceeds southwest for approximately 4.5 miles, then turns sharply south-southeast for approximately 0.3 miles, until the contour line turns sharply east at a point just north of the Klamath River;

(6) The boundary then diverges from the 1800' contour line and proceeds south-southeast in a straight line, across the Klamath River and State route 96, until it intersects with the 1600' contour line;

(7) The boundary then follows the 1600' contour line south and west, then north and west, roughly following the course of the Klamath River, until it reaches an unnamed peak 1744 feet high;

(8) The boundary continues along the 1600' contour line as it diverges from the Klamath River and proceeds south, just to the east of an unnamed light duty road, to the point where that road crosses Grider Creek;

(9) The boundary diverges from the contour line and proceeds west in a straight line across the road and Grider Creek until it intersects with the 1600'

contour line on the west side of Grider Creek;

(10) The boundary then follows the 1600' contour line north, west and north again until it reaches a point where the contour line turns west, just south of the Klamath River;

(11) The boundary diverges from the 1600' contour line and proceeds in a straight line in a northeasterly direction, back to the point of beginning.

Approved: December 28, 1993.

Daniel R. Black

Acting Director

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#### POSTAL SERVICE

##### 39 CFR Part 111

#### Special Bulk Third-Class Eligibility Restrictions

AGENCY: Postal Service.

ACTION: Proposed rule, notice of public meeting.

**SUMMARY:** In response to requests from postal customers, the Postal Service has decided to hold a public meeting to facilitate the receipt of comments regarding a proposal to implement new statutory restrictions on the use of special bulk third-class mail.

**DATES:** January 28, 1994, 10 a.m.

**ADDRESSES:** U.S. Postal Service Headquarters, 475 L'Fenfant Plaza, SW., Benjamin Franklin Room, 11th Floor South, Washington, DC 20260.

**FOR FURTHER INFORMATION CONTACT:** Ernest Collins, (202) 268-5316.

**SUPPLEMENTARY INFORMATION:** On December 10, 1993, the Postal Service published proposed rule changes to implement recently enacted statutory restrictions on the use of special bulk third-class mail. 58 FR 64918. See also 58 FR 65959 (December 17, 1993) which extended the period for comment on this proposal. A number of customers have requested an opportunity to present their views and concerns in person regarding the proposed rule change. The Postal Service generally does not hold, nor does it generally find a need for, public meetings concerning proposed rules. Nevertheless, in this limited instance, the Postal Service has determined to grant the request for a public meeting. Interested parties may, of course, submit written comments in accordance with the instructions in the *Federal Register* notice. Comments submitted at the meeting may be written or oral. Oral comments will be transcribed for future reference, and will