

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. "Subtitle VII: Aviation Programs," describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866,
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979), and
3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

You can find our regulatory evaluation and the estimated costs of compliance in the AD Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. The FAA amends § 39.13 by adding the following new AD:

Boeing: Docket No. FAA-2008-1117; Directorate Identifier 2008-NM-106-AD.

Comments Due Date

(a) We must receive comments by December 15, 2008.

Affected ADs

(b) None.

Applicability

(c) This AD applies to all Boeing Model 727, 727C, 727-100, 727-100C, 727-200, and 727-200F series airplanes, certificated in any category.

Unsafe Condition

(d) This AD results from a report of cracking of the left- and right-side web posts and shear ties of the kickload beam. We are issuing this AD to detect and correct cracking of the left- and right-side web posts and shear ties of the kickload beam, which, when coupled with failures in the adjacent structure, could result in structural failure of the vertical stabilizer, and loss of control of the airplane.

Compliance

(e) Comply with this AD within the compliance times specified, unless already done.

Inspections and Corrective Actions

(f) At the times specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727-55-0093, dated March 12, 2008 ("the service bulletin"), except as provided by paragraphs (g) and (h) of this AD: Do the inspections to detect cracking of the left- and right-side web posts and shear ties of the kickload beam, by doing all of the actions specified in Part 2 and the applicable corrective actions specified in Part 3 of the Accomplishment Instructions of the service bulletin, except as provided by paragraph (i) of this AD. Do all applicable corrective actions before further flight. Repeat the inspections thereafter at the intervals specified in paragraph 1.E. of the service bulletin.

Clarification and Exception to the Specified Compliance Times

(g) To determine the compliance times for airplanes having exactly 52,000 total flight hours or 39,000 total flight cycles, for the purposes of this AD, these airplanes are grouped with airplanes having "less than" 52,000 total flight hours or 39,000 total flight cycles, as specified in paragraph 1.E., "Compliance," of Boeing Special Attention Service Bulletin 727-55-0093, dated March 12, 2008.

(h) Where Boeing Special Attention Service Bulletin 727-55-0093, dated March 12, 2008, specifies a compliance time after the date on the service bulletin, this AD requires compliance within the specified compliance time after the effective date of this AD.

Exception to the Specified Corrective Actions

(i) If any cracking is found during any inspection required by this AD, and Boeing Special Attention Service Bulletin 727-55-0093, dated March 12, 2008, specifies contacting Boeing for appropriate action: Before further flight, repair the cracking or damage using a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically refer to this AD.

Alternative Methods of Compliance (AMOCs)

(j)(1) The Manager, Seattle ACO, FAA, ATTN: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM-120S, 1601 Lind Avenue, SW., Renton, Washington 98057-3356; telephone (425) 917-6577; fax (425) 917-6590; has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

(2) To request a different method of compliance or a different compliance time for this AD, follow the procedures in 14 CFR 39.19. Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD, if it is approved by an Authorized Representative for the Boeing Commercial Airplanes Delegation Option Authorization Organization who has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

Issued in Renton, Washington, on October 10, 2008.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB-2008-0009; Notice No. 91; Re: Notice No. 90]

RIN 1513-AB57

Proposed Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas; Reopening of Comment Period

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; reopening of comment period.

SUMMARY: In response to an industry member request, the Alcohol and Tobacco Tax and Trade Bureau is reopening the comment period for Notice No. 90, Proposed Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas, a notice of proposed rulemaking published in the **Federal Register** on August 20, 2008.

DATES: Written comments on Notice No. 90 must now be received on or before December 19, 2008.

ADDRESSES: You may send comments on Notice No. 90 to one of the following addresses:

- <http://www.regulations.gov> (via the online comment form for this notice as posted within Docket No. TTB-2008-0009 on Regulations.gov, the Federal e-rulemaking portal); or

- *Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412; or

You may view copies of this notice, Notice No. 90, and any comments we receive about Notice No. 90 at <http://www.regulations.gov>. A direct link to the appropriate Regulations.gov docket is available under Notice No. 90 on the TTB Web site at http://www.ttb.gov/wine/wine_rulemaking.shtml. You also may view copies of this notice, Notice No. 90, and any comments we receive about Notice No. 90 by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. To make an appointment, call 202-927-2400.

FOR FURTHER INFORMATION CONTACT: Jennifer Berry, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 18152, Roanoke, VA 24014; telephone 540-344-9333.

SUPPLEMENTARY INFORMATION: On August 20, 2008, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published Notice No. 90, Proposed Expansions of the Russian River Valley and Northern Sonoma Viticultural Areas, in the **Federal Register** (73 FR 49123). In that notice of proposed rulemaking, TTB requested public comment on its proposed expansions of the Russian River Valley and Northern Sonoma viticultural areas in Sonoma County, California. The 60-day comment period for Notice No. 90, when published, was scheduled to close on October 20, 2008.

After publication of Notice No. 90, TTB received a request from Merry Edwards on behalf of the Russian River Valley Boundary Integrity Coalition, a group of area vineyards and wineries, to extend the comment period for Notice

No. 90 for an additional 60 days. Ms. Edwards noted in support of the request that members of the coalition are currently immersed in the grape harvest in the Russian River Valley. Ms. Edwards states that this extension will allow members to focus on the petition after harvest activities are complete.

In response to this request, TTB reopens the comment period for Notice No. 90 for an additional 60 days beyond the original closing date, thus leaving Notice No. 90 open to public comment for a total of 4 months. We believe this time period will allow industry members and the public to fully consider the proposals outlined in Notice No. 90. Therefore, comments on Notice No. 90 are now due on or before December 19, 2008.

Drafting Information: Jennifer Berry of the Regulations and Rulings Division drafted this notice.

Signed: October 22, 2008.

William H. Foster,

Assistant Administrator, Headquarters Operations.

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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 19

[Notice No. 92; Re: Notice Nos. 83 and 86; Docket No. TTB-2008-0004]

RIN 1513-AA23

Proposed Revision of Distilled Spirits Plant Regulations (2001R-194P); Extension of Comment Period

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: In response to an industry association request, the Alcohol and Tobacco Tax and Trade Bureau extends the comment period for Notice No. 83, Proposed Revision of Distilled Spirits Plant Regulations, a notice of proposed rulemaking published in the **Federal Register** on May 8, 2008, for an additional 90 days.

DATES: Written comments on Notice No. 83 must now be received on or before February 3, 2009.

ADDRESSES: You may send comments on Notice No. 83 to one of the following addresses:

- <http://www.regulations.gov> (via the online comment form for this notice as posted within Docket No. TTB-2008-

0004 on Regulations.gov, the Federal e-rulemaking portal); or

- *Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, P.O. Box 14412, Washington, DC 20044-4412; or

- *Hand Delivery/Courier in Lieu of Mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200-E, Washington, DC 20005.

You may view copies of this notice, Notice No. 83, and any comments we receive about Notice No. 83 at <http://www.regulations.gov>. A direct link to the appropriate Regulations.gov docket is available under Notice No. 83 on the TTB Web site at http://www.ttb.gov/spirits/spirits_rulemaking.shtml. You also may view copies of this notice, Notice No. 83, Notice No. 86, and any comments we receive about Notice No. 83 by appointment at the TTB Information Resource Center, 1310 G Street, NW., Washington, DC 20220. To make an appointment, call 202-927-2400.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Hiland, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW., Suite 200-E, Washington, DC 20220; telephone 202-927-8176.

SUPPLEMENTARY INFORMATION: On May 8, 2008, the Alcohol and Tobacco Tax and Trade Bureau (TTB) published Notice No. 83, Proposed Revision of Distilled Spirits Plant Regulations, in the **Federal Register** (73 FR 26200). In that notice of proposed rulemaking, TTB requested public comment on its proposed comprehensive revision of the regulations governing distilled spirits plants. The 90-day comment period for Notice No. 83, when published, was scheduled to close on August 6, 2008. However, TTB received a request from E. & J. Gallo Winery to extend the comment period for Notice No. 83 for an additional 120 days. In response to that request, TTB, on August 1, 2008, published Notice No. 86 in the **Federal Register** (73 FR 44952) extending the comment period for Notice No. 83 for an additional 90 days. Thus, comments on Notice No. 83 became due on or before November 5, 2008.

On October 20, 2008, TTB received another comment period extension request, from the Distilled Spirits Council of the United States, Inc. (DISCUS), a national trade association representing producers and marketers of distilled spirits sold in the United States. DISCUS requested a further 90-day extension of the comment period for Notice No. 83. DISCUS noted in support of its request that the vicissitudes confronting the marketplace and