

**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](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](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

American business as a whole necessitates additional time for industry to focus on the complexities of the proposed rule. DISCUS further asserted that the regulations in question have a major impact on the requirements to operate distilled spirits plants and that the opportunity to streamline and modernize those regulations is of critical importance, particularly in light of today's economy.

In response to this latest request, TTB extends the comment period for Notice No. 83 for an additional 90 days, which together with the original 90-day comment period and the first 90-day extension of the comment period will leave Notice No. 83 open to public comment for 9 months. We believe this time period will allow industry members and the public to fully consider the proposals outlined in Notice No. 83. Therefore, comments on Notice No. 83 are now due on or before February 3, 2009.

*Drafting Information:* Gabriel J. Hiza 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 AGRICULTURE

### Forest Service

#### 36 CFR Part 223

RIN 0596-AC80

### Sale and Disposal of National Forest System Timber; Downpayment and Periodic Payments

**AGENCY:** Forest Service, USDA.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The Forest Service is proposing to amend the Downpayment rule and the Periodic payments rule to reflect changes in contracting procedures adopted in the April 2004 and June 2006 timber sale contracts. These changes reflect stewardship contracting authorities, and reflect changes in forest products markets since these rules were adopted in 1991. The proposed changes also would remove obsolete references and procedures; make downpayments and periodic payments optional for stewardship contracts; allow downpayment and periodic payment amounts to be recalculated when contracts receive a

rate redetermination; revise the procedure for releasing the downpayment; and would allow downpayments to be temporarily reduced when Forest Service authorizes certain additions of contract time.

The intended effect of this proposed rule is to protect the Government's financial security while providing financial relief to timber purchasers during periods when forest products prices drastically decline or purchasers receive additional contract time for periods when they are not expected to operate.

**DATES:** Comments must be received in writing by December 29, 2008.

**ADDRESSES:** Mail written comments to the Director of Forest Management, MAIL STOP 1105, Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC 20250-1105; via e-mail to [downpayment@fs.fed.us](mailto:downpayment@fs.fed.us); or via facsimile to (202) 205-1045. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received on this proposed rule in the office of the Director of Forest Management, Third Floor, Northwest Wing, Yates Building, 201 14th Street, SW., Washington, DC. Visitors are encouraged to call ahead to (202) 205-0893 to facilitate entry into the building.

**FOR FURTHER INFORMATION CONTACT:** Lathrop Smith, Forest Management, (202) 205-0858.

#### SUPPLEMENTARY INFORMATION:

##### Background

The current downpayment regulation (36 CFR 223.49) and periodic payments regulation (36 CFR 223.50) were adopted on July 31, 1991, (56 FR 36099) to protect the Government's financial interests, reduce speculative bidding, encourage purchasers to harvest timber in a timely manner and to comply with section 2d of the Federal Timber Contract Payment Modification Act (Pub. L. 98-478, 98 Stat 2213; 16 U.S.C. 618) (Buy-out Act).<sup>1</sup>

Under the current downpayment regulations, a purchaser must deposit cash in the timber sale account at the time of sale award equal to 10 percent of the total advertised value of the sale plus 20 percent of the bid premium. This cash is held by the Forest Service and cannot be used by the purchaser for

any other purpose until (1) on scaled sales stumpage representing 25 percent of the total bid value has been charged and paid for, or (2) on tree measurement sales until stumpage value representing 25 percent of the total bid value is shown on the timber sale statement of account to have been cut, removed, and paid for (36 CFR 223.49(d)).

Under the current periodic payments regulation, periodic payments are "amounts specified in the contract that a purchaser must pay by the periodic payment determination date(s) unless reduced by amounts paid as stumpage for volume removed." (36 CFR 223.50(a)(4)). The initial periodic payment is equal to 35 percent of the total contract value or 50 percent of the bid premium, whichever is greater. Where an additional periodic payment is required by the contract, the payment will equal 75 percent of the total contract value. The amount of the periodic payment(s) will be reduced if the payment would result in the purchaser's credit balance for timber charges exceeding the current contract value. (36 CFR 223.50(c)).

#### Proposed Amendments to the Downpayment Requirements

The following changes are proposed. Sections 223.49 and 223.50 will be reformatted accordingly.

1. In § 223.49(a)(2), the definition for *ineffective purchaser credit* would be removed. Section 329 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105-277; 16 U.S.C. 535a) directed, among other things, that the procedure known as "purchaser credit" be eliminated no later than April 1, 1999. The use of purchaser credit was discontinued in timber sales advertised after March 31, 1999 by making changes in timber sale contract provisions (File code 2450 letter to Regional Foresters dated February 19, 1999). As of March 30, 2008, only \$6,000 worth of ineffective purchaser credit was being used to cover downpayment requirements. Because no additional purchaser credit is being earned, references to ineffective purchaser credit in the downpayment regulation are obsolete and unnecessary.

2. In § 223.49(b), the option of using effective purchaser credit would be eliminated for the same reasons cited above, and to make downpayments for stewardship contracts optional. Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 2003 (as contained in division F of Pub. L. 108-7; 16 U.S.C. 2104 Note) (Stewardship Contracting Act),

<sup>1</sup> Section 2(d) provides that "[e]ffective January 1, 1985, in any contract for the sale of timber from the National Forests, the Secretary of Agriculture shall require a cash down-payment at the time the contract is executed and periodic payments to be made over the remaining period of the contract."