

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 that this AD:

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under 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.

We prepared a summary of the costs to comply with this AD and placed it in the AD Docket. You may get a copy of this summary at the address listed under **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 airworthiness directive:

2005-18-16 General Electric Company:
Amendment 39-14256. Docket No. FAA-2004-18869; Directorate Identifier 2004-NE-23-AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective October 13, 2005.

Affected ADs

(b) None.

Applicability

(c) This AD applies to General Electric CF34-3A1 turbofan engines installed on Bombardier series Regional Jet Model CL-600-2B19 (Regional Jet Series 100 and 440) airplanes with one or more of the HPT rotating components installed, listed in the following Table 1:

TABLE 1.—HPT ROTATING COMPONENTS WITH LIFE LIMITS RESTORED

Part No.	Nomenclature
6078T90P01 ..	Seal, Balance Piston Air.
6017T00P05 ..	Shaft, HPT Rotor.

TABLE 1.—HPT ROTATING COMPONENTS WITH LIFE LIMITS RESTORED—Continued

Part No.	Nomenclature
4027T15P03 ..	Plate, Stage 1 Front Cooling.
6078T93P01 ..	Disk, Stage 1 Turbine.
6078T93P02 ..	Disk, Stage 1 Turbine.
5041T70P03 ..	Plate, Stage 1 Aft Cooling.
5023T97P03 ..	Plate, Stage 2 Rear Cooling.
6078T94P01 ..	Disk, Stage 2 Turbine.
6078T94P02 ..	Disk, Stage 2 Turbine.
5042T29P02 ..	Plate, Stage 2 Front Cooling.
5041T67P02 ..	Coupling, Outer Torque.
5079T02P01 ..	Coupling, Inner Torque.

Unsafe Condition

(d) This AD results from the discovery that the manufacturer removed the HPT rotating component part numbers, listed in Table 1 of this AD, from the HPT Life Limits section of the CF34 Engine Manual, SEI-756. We view this as a change to the life limit of the part, removing the type design life limit and imposing an unlimited life on the part. We are issuing this AD to re-impose life limits on the HPT rotating components with part numbers listed in Table 1 of this AD to prevent LCF cracking and failure of those components, which could result in uncontained engine failure and damage to the airplane.

Compliance

(e) You are responsible for having the actions required by this AD performed within the compliance times specified unless the actions have already been done.

(f) Remove from service the HPT rotating components listed in Table 1 of this AD before exceeding the life limit of 6,000 cycles-since-new.

Alternative Methods of Compliance

(g) The Manager, Engine Certification Office, has the authority to approve alternative methods of compliance for this AD if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) GE Temporary Revision No. 05-0073, and Temporary Revision No. 05-0074, for CF34 Engine Manual, SEI-756, also pertain to the subject of this AD.

Issued in Burlington, Massachusetts, on August 31, 2005.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 05-17761 Filed 9-7-05; 8:45 am]

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FEDERAL TRADE COMMISSION

16 CFR Part 4

Quorums

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission is amending § 4.14(b) of its Rules of Practice to provide that the number of Commissioners needed for a quorum will be a majority of those sitting and not recused in a matter.

DATES: *Effective Date:* This amendment is effective September 8, 2005.

FOR FURTHER INFORMATION CONTACT:

Marc Winerman, Attorney, Office of the General Counsel, 202-326-2451.

SUPPLEMENTARY INFORMATION:

The Commission is revising Rule 4.14(b) of its rules of practice. The former rule defined a quorum as "a majority of the members of the Commission." The revised rule defines a quorum as "[a] majority of the members of the Commission in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise)." ¹ The amendment will allow the Commission to act in more situations than did its former rule.

While the Commission's former rule reflected the "almost universally accepted common-law rule" respecting quorums, *FTC v. Flotill Products, Inc.*, 389 U.S. 179, 183-84 (1967), that common-law rule (or, more precisely, the common-law rule that applies in the absence of an express statutory provision), does not prevent the adoption of a different quorum rule. *Falcon Trading Group, Ltd. v. SEC*, 102 F.3d 579, 582 (D.C. Cir. 1996). The FTC's new rule, like its predecessor, protects against "totally unrepresentative action in the name of the body by an unduly small number of persons." ² Further, in reducing quorum numbers by virtue of recusals as well as vacancies, the FTC is following the approach taken by the SEC in 1995. ³

¹ Rule 4.14(c) continues to require, for Commission action, "the affirmative concurrence of a majority of the participating Commissioners, except where a greater majority is required by statute or rule or where the action is taken pursuant to a valid delegation of authority."

² See Robert's Rules of Order (10th Ed.) § 3, p. 20 (2001) (discussing purpose of a quorum rule); *Assure Competitive Transportation v. United States*, 629 F.2d 467 (7th Cir. 1980), cert. denied, 429 U.S. 1124 (1981) (quoting Robert's Rules). We understand this to mean that the rule protects against totally unrepresentative actions in the name of the Commissioners able to participate in a matter. This does not necessarily mean that the participating Commissioners would reach the same result that the full complement of sitting Commissioners would have reached if they were all able to participate. But, if that were the test, any quorum rule would fail unless it required that every member of the body participated in every action taken by the body. The FTC's revised rule, like its former rule, also enables Commissioners who oppose an agency action to try to change the minds of their colleagues who are inclined to support it.

³ The SEC's rule, while it would not find a quorum in every situation where the FTC's new rule would, does provide for quorum size to be reduced by recusals. That rule provides,

The Administrative Procedure Act does not require prior public notice and comment on this amendment because it relates solely to a rule of agency organization, procedure or practice. 5 U.S.C. 553(b)(A). For this reason, the Regulatory Flexibility Act also does not require an initial or final regulatory flexibility analysis. See 5 U.S.C. 603, 604. The revision does not involve the collection of information subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 16 CFR Part 4

Administrative practice and procedure, Freedom of Information Act, Privacy Act, Sunshine Act.

■ For the reasons set forth in the preamble, the Federal Trade Commission amends Title 16, Chapter 1, Subchapter A, of the Code of Federal Regulations, as follows:

PART 4—MISCELLANEOUS RULES

■ 1. The authority citation for Part 4 continues to read as follows:

Authority: 15 U.S.C. 46, unless otherwise noted.

■ 2. Revise § 4.14(b) to read as follows:

§ 4.14. Conduct of business.

* * * * *

(b) A majority of the members of the Commission in office and not recused from participating in a matter (by virtue of 18 U.S.C. 208 or otherwise) constitutes a quorum for the transaction of business in that matter.

* * * * *

By direction of the Commission.

Donald S. Clark,
Secretary.

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BILLING CODE 6750-01-P

A quorum * * * shall consist of three members; provided, however, that if the number of Commissioners in office is less than three, a quorum shall consist of the number of members in office; and provided further that on any matter of business as to which the number of members in office, minus the number of members who either have disqualified themselves from consideration of such matter pursuant to § 200.60 or are otherwise disqualified from such consideration, is two, two members shall constitute a quorum for purposes of such matter.

17 CFR 200.41. See also *Falcon Trading Group, supra* (upholding rule, in a matter decided by two Commissioners when the SEC's other three seats were vacant, as an exercise of the SEC's general rulemaking authority). Cf. *SEC v. Feminella*, 947 F. Supp. 722, 725-27 (S.D.N.Y. 1996) (also upholding the rule, but treating it as a delegation).

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[T.D. TTB-32; Re: Notice No. 30]

RIN 1513-AA67

Expansion of the Russian River Valley Viticultural Area (2003R-144T)

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

ACTION: Final rule; Treasury decision.

SUMMARY: This Treasury decision expands by 30,200 acres the existing Russian River Valley viticultural area in Sonoma County, California, to a total of 126,600 acres. We designate viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: Effective October 11, 2005.

FOR FURTHER INFORMATION CONTACT: Nancy Sutton, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, 925 Lakeville St., No. 158, Petaluma, California 94952; telephone (415) 271-1254.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (the FAA Act, 27 U.S.C. 201 *et seq.*) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity and prohibits the use of misleading information on such labels. The FAA Act also authorizes the Secretary of the Treasury to issue regulations to carry out its provisions. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers these regulations.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) contains the list of approved viticultural areas.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been recognized and defined in part 9

of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of viticultural areas allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of a viticultural area is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an American viticultural area and provides that any interested party may petition TTB to establish a grape-growing region as a viticultural area. Section 9.3(b) of the TTB regulations requires the petition to include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that supports setting the boundary of the proposed viticultural area as the petition specifies;
- Evidence relating to the geographical features, such as climate, soils, elevation, and physical features, that distinguish the proposed viticultural area from surrounding areas;
- A description of the specific boundary of the proposed viticultural area, based on features found on United States Geological Survey (USGS) maps; and
- A copy of the appropriate USGS map(s) with the proposed viticultural area's boundary prominently marked.

Russian River Valley Petition and Rulemaking

General Background

TTB received a petition from the Russian River Valley Winegrowers, a wine industry association based in Fulton, California, proposing a 30,200-acre expansion of the established 96,000-acre Russian River Valley viticultural area (27 CFR 9.66). The viticultural area, located in central Sonoma County, California, is about 50 miles north of San Francisco.

Currently, the Russian River Valley viticultural area boundary surrounds areas north and west of Santa Rosa, north of Sebastopol, east of the Bohemian Highway (about 7 miles inland from the Pacific coast), and south of Healdsburg.

This viticultural area also encompasses all of the Chalk Hill