

the testing laboratory as “*M. bovis* positive” on the BTB test.”.

■ f. In the definition for *suspect*, by removing the words “, or that is classified by the testing laboratory as equivocal on the BTB test,”.

The revisions read as follows:

§ 77.20 Definitions.

* * * * *

Official tuberculosis test. Any of the following tests for bovine tuberculosis in captive cervids, applied and reported in accordance with this part:

(1) The single cervical tuberculin (SCT) test.

(2) The comparative cervical tuberculin test (CCT) test.

* * * * *

§ 77.33 [Amended]

■ 3. Section 77.33 is amended as follows:

■ a. In paragraph (a) introductory text, by removing the words “in paragraphs (a)(1) and (a)(2)” and adding the words “in paragraph (a)(1)” in their place.

■ b. By removing and reserving paragraphs (a)(2), (b)(2), (d)(2), and (e)(3).

§ 77.34 [Amended]

■ 4. Section 77.34 is amended as follows:

■ a. In paragraph (a)(1), by removing the words “either the CCT test or the BTB test” and adding the words “the CCT test” in their place.

■ b. By removing paragraph (c).

■ 5. Section 77.35 is amended as follows:

■ a. In paragraph (a)(1), by removing the word “three” in the first sentence and adding the word “two” in its place.

■ b. By revising paragraph (d) to read as set forth below.

§ 77.35 Interstate movement from accredited herds.

* * * * *

(d) *Maintenance of accredited herd status.* To maintain status as an accredited herd, the herd must test negative to an official tuberculosis test within 33–39 months from the anniversary date of the second consecutive test with no evidence of tuberculosis disclosed (that is, the test on which the herd was recognized as accredited or the accrediting test). Each time the herd is tested for reaccreditation, it must be tested 33–39 months from the anniversary date of the accrediting test, not from the last date of reaccreditation (for example, if a herd is accredited on January 1 of a given year, the anniversary date will be January 1 of every third year). Accredited herd status is valid for 36 months (1,095

days) from the anniversary date of the accrediting test. If the herd is tested between 36 and 39 months after the anniversary date, its accredited herd status will be suspended for the interim between the anniversary date and the reaccreditation test. During the suspension period, the herd will be considered “unclassified” and captive cervids may be moved interstate from the herd only in accordance with the movement requirements for the State or zone in which the herd is located.

§ 77.37 [Amended]

■ 6. In § 77.37, paragraph (a)(2), footnote 3 is redesignated as footnote 2.

■ 7. In § 77.39, paragraph (a) is amended as follows:

■ a. In paragraph (a)(1)(i) introductory text, by removing the words “or the BTB test”.

■ b. By removing and reserving paragraph (a)(1)(i)(B).

■ c. In paragraph (a)(1)(ii) introductory text, by removing the words “or the first BTB test”.

■ d. In paragraph (a)(1)(ii)(A), by removing the word “; or” and adding a period in its place.

■ e. By removing and reserving paragraph (a)(1)(ii)(B).

■ f. In paragraph (e) introductory text, by removing the fourth sentence after the paragraph heading and revising the last two sentences of the paragraph to read as set forth below.

§ 77.39 Other interstate movements.

* * * * *

(e) *Herds that have received captive cervids from an affected herd.* * * * Any exposed captive cervid that responds to the SCT test must be classified as a reactor and must be slaughter inspected or necropsied. Any exposed captive cervid that tests negative to the SCT test will be considered as part of the affected herd of origin for purposes of testing, quarantine, and the five annual whole herd tests required for affected herds in paragraph (d) of this section.

* * * * *

Done in Washington, DC, this 21st day of April 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 06–3984 Filed 4–26–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. APHIS–2006–0020]

States Approved To Receive Stallions and Mares From CEM-Affected Regions; Indiana

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: We are amending the animal importation regulations by adding Indiana to the lists of States approved to receive certain stallions and mares imported into the United States from regions affected with contagious equine metritis (CEM). We are taking this action because Indiana has entered into an agreement with the Administrator of the Animal and Plant Health Inspection Service to enforce its State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from CEM. This action relieves unnecessary restrictions on the importation of mares and stallions from regions where CEM exists.

DATES: This rule will be effective on June 26, 2006, unless we receive written adverse comments or written notice of intent to submit adverse comments on or before May 30, 2006. If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov> and, in the lower “Search Regulations and Federal Actions” box, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click on “Submit.” In the Docket ID column, select APHIS–2006–0020 to submit or view public comments and to view supporting and related materials available electronically. Information on using [Regulations.gov](http://www.regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “User Tips” link.

- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0020,

Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2006-0020.

Reading Room: You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

Other Information: Additional information about APHIS and its programs is available on the Internet at <http://www.aphis.usda.gov>.

FOR FURTHER INFORMATION CONTACT: Dr. Freeda E. Isaac, Senior Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231; (301) 734-8364.

SUPPLEMENTARY INFORMATION:

Background

The animal importation regulations in 9 CFR part 93 (referred to below as the regulations), among other things, prohibit or restrict the importation of certain animals, including horses, into the United States to protect U.S. livestock from communicable diseases.

In § 93.301, paragraph (c)(1) prohibits the importation of horses into the United States from certain regions where contagious equine metritis (CEM) exists. Paragraph (c)(2) lists categories of horses that are excepted from this prohibition, including, in § 93.301(c)(2)(vi), horses over 731 days of age imported for permanent entry if the horses meet the requirements of § 93.301(e).

One of the requirements in § 93.301(e) is that mares and stallions over 731 days old imported for permanent entry from regions where CEM exists must be consigned to States listed in § 93.301(h)(6), for stallions, or in § 93.301(h)(7), for mares. The Administrator of the Animal and Plant Health Inspection Service (APHIS) has approved these States to receive stallions or mares over 731 days of age from regions where CEM exists because each State has entered into a written agreement with the Administrator to enforce State laws and regulations to control CEM, and each State has agreed to quarantine, test, and treat stallions and mares over 731 days of age from any region where CEM exists in accordance with § 93.301(e).

Indiana has entered into a written agreement with the Administrator of APHIS and has agreed to comply with all of the requirements in § 93.301(e) for importing stallions and mares over 731 days old from regions where CEM exists. Therefore, this direct final rule will add Indiana to the lists of States in § 93.301(h)(6) and (h)(7) approved to receive certain stallions and mares imported into the United States from regions where CEM exists.

Dates

We are publishing this rule without a prior proposal because we view this action as noncontroversial and anticipate no adverse public comments. This rule will be effective, as published in this document, on June 26, 2006, unless we receive written adverse comments or written notice of intent to submit adverse comments by May 30, 2006.

Adverse comments are comments that suggest the rule should not be adopted or that suggest the rule should be changed.

If we receive written adverse comments or written notice of intent to submit adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date. We will then publish a proposed rule for public comment.

As discussed above, if we receive no written adverse comments or written notice of intent to submit adverse comments within 30 days of publication of this direct final rule, this direct final rule will become effective 60 days following its publication. We will publish a document in the **Federal Register** before the effective date of this direct final rule, confirming that it is effective on the date indicated in this document.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

We are amending the animal importation regulations by adding Indiana to the lists of States approved to receive certain stallions and mares imported into the United States from regions affected with CEM. We are taking this action because Indiana has entered into an agreement with the Administrator of APHIS to enforce its State laws and regulations to control CEM and to require inspection, treatment, and testing of horses, as required by Federal regulations, to further ensure the horses' freedom from

CEM. This action relieves unnecessary restrictions on the importation of mares and stallions from regions where CEM exists.

The United States imported a total of 41,065 horses in 2004. Nearly 82 percent of horses imported were from Canada (76 percent) and Mexico (6 percent). Of the total imports, 35,372 were from non-CEM countries and the remaining 5,693 were from CEM countries. The proportion of pure-bred horses was much smaller than other horses. Of the above total, 2,297 were purebred breeding horses. Only 265 purebred breeding horses were imported from CEM-affected countries. However, horses supplied by CEM-affected countries are generally highly valued. In 2004, for example, the average value of a purebred breeding horse imported from a CEM-affected region was \$42,600, whereas the average value of a purebred breeding horse imported from non-CEM countries was \$4,720.

The rule will allow Indiana horse operations to import stallions and mares directly from CEM-affected regions, whereas at present they must be imported and undergo post-entry testing and treatment in another, currently approved State. There are now 21 States approved to receive stallions and mares from CEM-affected regions. Thus, Indiana would join those 21 States as a potential destination for purebred breeding horses imported from CEM-affected regions. This rule would affect operations raising horses and other equines (North American Industry Classification System (NAICS) code 112920) and operations owning racehorses (NAICS code 711219). The main effect would be on those entities importing horses from CEM-affected regions. It is not known how many such firms there may be, but it is reasonable to assume that at least some of them may be small entities. The Small Business Administration classifies operations engaged in raising horses and other equines as small entities if their annual receipts are not more than \$750,000. Operations owning race horses are considered small if annual gross receipts are less than \$6.5 million. According to the 2002 Census of Agriculture, there were 14,500 horse farms in Indiana that year, 3,492 of which sold 12,397 horses that had a total value of \$34 million. About 5 percent are owners of racehorses. These data imply an average income per farm from horse sales of about \$2,750. Over 99 percent of operations raising horses and owning racehorses are considered to be small. Entities that may be affected by the rule are principally small

businesses, but the impact will not be significant.

This rule is expected to benefit small and large horse entities in Indiana through trade opportunities already provided to States currently approved to receive horses from CEM-affected regions. Horses from CEM-affected regions will be allowed to be moved directly into Indiana, thereby benefitting Indiana importers through lower transport costs and reduced paperwork burdens. Mainly, breeding horse importers in Indiana would benefit from this rule. Because the pool of imported horses is a very small fraction of the domestic total and Indiana importers are expected to compete with importers in 21 other States, any net beneficial impact would be very small, especially when compared to the value of the imported horses.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

■ Accordingly, 9 CFR part 93 is amended as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

§ 93.301 [Amended]

■ 2. Section 93.301 is amended as follows:

■ a. In paragraph (h)(6), by adding, in alphabetical order, “The State of Indiana”.

■ b. In paragraph (h)(7), by adding, in alphabetical order, “The State of Indiana”.

Done in Washington, DC, this 21st day of April 2006.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 06–3985 Filed 4–26–06; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM316, Special Conditions No. 25–315–SC]

Special Conditions: Airbus Model A380–800 Airplane; Discrete Gust Requirements

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions; correction.

SUMMARY: This document corrects an error that appeared in Docket No. NM316, Special Conditions No. 25–312–SC, which were published in the **Federal Register** on January 24, 2006 (71 FR 3753). The error is in the Special Conditions No. and is being corrected herein.

DATES: *Effective Date:* The effective date of this correction is April 6, 2006.

FOR FURTHER INFORMATION CONTACT: Madeleine Kolb, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certifications Service, 1601 Lind Avenue, SW., Renton, WA 98055–4056; telephone (425) 227–2799; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION: The document designated as “Docket No. NM316, Special Conditions No. 25–312–SC” was published in the **Federal Register** on January 24, 2006 (71 FR 3753). The document issued special conditions pertaining to discrete gust requirements for the Airbus Model A380–800 airplane.

As published, the document contained an error in that the Special Conditions No. was shown as 25–312–SC, which is the number of a different set of special conditions. To avoid

confusion, a new Special Condition No., 25–315–SC, has been assigned to “Special Conditions: Airbus Model A380–800 Airplane, Discrete Gust Requirements.”

Since no other part of the regulatory information has been changed, the Special Conditions are not being republished.

Correction

In Final Special Conditions document [FR Doc. 06–598, Filed 1–23–06; 8:45] and published on January 24, 2006 (71 FR 3753), make the following correction:

1. On page 3753, in the first column in the Headings section, correct “Special Conditions No. 25–312–SC” to read “Special Conditions No. 25–315–SC.”

Issued in Renton, Washington, on April 6, 2006.

Kevin Mullin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 06–3947 Filed 4–26–06; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2006–24518; Directorate Identifier 2006–SW–10–AD; Amendment 39–14569; AD 2006–08–12]

RIN 2120–AA64

Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD) for the MD Helicopters, Inc. (MDHI) Model 600N helicopters, that currently requires inspecting both upper tailboom attachment fittings, nut plates and both angles for a crack or thread damage, and repairing or replacing any cracked or damaged part. That AD also requires replacing the upper right tailboom attachment bolt with a new attachment bolt, and if the upper right attachment bolt is broken, replacing the three remaining attachment bolts with airworthy bolts. Adding a washer to each bolt and modifying both access covers is also required. Thereafter, inspecting the upper tailboom attachments and repairing or replacing