

**Part 1446—Peanuts**

Part 1446 contains regulations for the receiving, handling, storing, and disposition of the 1996 through 2002 crops of peanuts. Authority for this part was repealed by sections 1309 and 1310 of the Farm Security Rural Investment Act of 2002. (7 U.S.C 7271). Current peanut loan, handling, and warehousing requirements are now contained in 7 CFR parts 1421 and 1423.

**Part 1470—Apple Market Loss Assistance Payment Program**

The Apple Market Loss Assistance Payment Program (AMLAP) provided income assistance to the producers of the 1998, 1999, and 2000 crop of apples to compensate them for the loss of markets in the applicable years. Authority for AMLAP has expired.

**Part 1479—2003–2005 Crop Disaster Program**

Part 1479 governed the 2003, 2004, and 2005–Crop Disaster Program (CDP) of CCC. The CDP made disaster assistance payments to producers on eligible 2003, 2004, or 2005 crops due to disasters as provided under Division B of the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005, Public Law 108–324. Authority for CDP has expired.

**Part 1480—2001 and 2002–Crop Disaster Program**

Part 1480 set forth the regulations of the 2001 and 2002–CDP which made disaster payments to producers with eligible losses in 2001 or 2002 due to disasters under the Agricultural Assistance Act of 2003, Public Law 108–007. Authority for CDP has expired.

**Part 1481—Sugar Beet Disaster Program**

The Sugar Beet Disaster Program provided payments to sugar beet producers who were prevented from planting, or who otherwise suffered required levels of losses in 2001 or 2002 due to adverse weather. Authority for the Sugar Beet Disaster Program has expired.

**Part 1482—Value-Added Wheat Gluten And Wheat Starch Product Market Development Program**

The Value-Added Wheat Gluten and Wheat Starch Product Market Development Program made payments to U.S. producers for wheat gluten and wheat starch products to promote activities aimed at improving the economic viability of producers of such products. Authority for this program expired on June 5, 2003.

**Informal Rulemaking Requirements**

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, a notice of proposed rulemaking and an opportunity for public comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register**. Also, because this rule relates to internal agency management, it is exempt from the provisions of Executive Order Nos. 12630, 12866, 12988, 13045, 13132, 13175, 13211, and 13272. Further, this action is not a rule as defined by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, and is therefore exempt from the provisions of that Act. In addition, this rule is not subject to the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. Ch. 17A, 25, or the E-Government Act of 2002, 44 U.S.C. 3501, note. Accordingly, as authorized by section 808 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 808, this rule may be made effective upon publication.

**Paperwork Reduction Act**

This rule does not affect any information collections.

**List of Subjects****7 CFR Part 700**

Agriculture, Rural areas, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds.

**7 CFR Part 702**

Agriculture, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds.

**7 CFR Part 711**

Agriculture, Marketing quotas, Oilseeds, Price support programs, Reporting and recordkeeping requirements.

**7 CFR Part 729**

Agriculture, Agricultural commodities, Marketing quotas, Oilseeds, Price support programs.

**7 CFR Part 752**

Agriculture, Soil conservation, Water pollution control, Water resources, Water supply, Watersheds, Wildlife.

**7 CFR Part 755**

Agriculture, Rural areas, Soil conservation.

**7 CFR Part 1413**

Agriculture, Agricultural commodities, Grains, Price support programs.

**7 CFR Part 1446**

Agriculture, Agricultural commodities, Marketing quotas, Oilseeds, Price support programs.

**7 CFR Part 1470**

Agriculture, Agricultural commodities, Fruits, Price support programs.

**7 CFR Part 1479**

Agriculture, Agricultural commodities, Crop Insurance, Grains, Fruits.

**7 CFR Part 1480**

Agricultural commodities, Aquaculture, Crop Insurance, Grains.

**7 CFR Part 1481**

Agricultural commodities, Sugar.

**7 CFR Part 1482**

Agricultural commodities, Grains.

**CHAPTER VII—[AMENDED]**

■ Accordingly, under the authorities cited in the preamble, and the general rulemaking authority of 5 U.S.C. 301, 7 CFR Chapter VII is amended by removing parts 700, 702, 711, 729, 752, 755, 1413, 1446, 1470, 1479, 1480, 1481 and 1482.

Signed at Washington, DC on September 6, 2006.

**Teresa C. Lasseter**,

*Administrator, Farm Service Agency,  
Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 06–7678 Filed 9–14–06; 8:45 am]

**BILLING CODE 3410–05–P**

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****9 CFR Part 78**

**[Docket No. APHIS–2006–0138]**

**Brucellosis in Cattle; State and Area Classifications; Wyoming**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of Wyoming from Class A to Class Free. We have

determined that Wyoming meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from Wyoming.

**DATES:** This interim rule was effective September 12, 2006. We will consider all comments that we receive on or before November 14, 2006.

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

- **Federal eRulemaking Portal:** Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit.” In the Docket ID column, select APHIS-2006-0138 to submit or view public comments and to view supporting and related materials available electronically. Information on using 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-2006-0138, 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-2006-0138.

**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. Debbi A. Donch, Senior Staff Veterinarian, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231; (301) 734-5952.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*.

The brucellosis regulations, contained in 9 CFR part 78 (referred to below as

the regulations), provide a system for classifying States or portions of States according to the rate of *Brucella* infection present and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class A and Class B fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail (1) maintaining a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) tracing back to the farm of origin and successfully closing a stated percentage of all brucellosis reactor cases found in the course of Market Cattle Identification (MCI) testing; (3) maintaining a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she owns; and (4) maintaining minimum procedural standards for administering the program.

Before the effective date of this interim rule, Wyoming was classified as a Class A State.

To attain and maintain Class Free status, a State or area must (1) Remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) trace back at least 90 percent of all brucellosis reactors found in the course of MCI testing to the farm of origin; (3) successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the consecutive 12-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free; and (4) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15

days of locating the source herd or recipient herd.

The last brucellosis-infected cattle herd in Wyoming was depopulated in December 2004. Since then, no brucellosis-affected herds have been detected.

After reviewing the brucellosis program records for Wyoming, we have concluded that this State meets the standards for Class Free status. Therefore, we are removing Wyoming from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from Wyoming.

#### **Immediate Action**

Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from Wyoming. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

#### **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.

Brucellosis is a contagious, costly disease of ruminants and other animals that can also affect humans. It is mainly a threat to cattle, bison, and swine. The disease causes decreased milk production, weight loss in animals, loss of young, infertility, and lameness. There is no known effective treatment. Depopulation of infected and exposed animals is the only effective means of disease containment and eradication.

The State of Wyoming has met the requirements for obtaining Class Free status as outlined in the definition of “Class Free State or area” in § 78.1 of the regulations. This interim rule upgrades the brucellosis status of Wyoming from Class A to Class Free. Cattle and bison that are to be moved interstate from Class A States, except those moving directly to slaughter or to quarantined feedlots, must be tested

before they are eligible for movement. Attaining Class Free status allows producers in Wyoming to forgo this cost.

Brucellosis testing, including veterinary fees and handling expenses, costs about \$7.50 to \$15 per test. The expenses forgone as a result of this reclassification in status will not be significant for cattle and calves owners in Wyoming. There were 1.127 million cattle and calves in Wyoming in 2002. The average per-head value of cattle in Wyoming was \$1,020 in 2005. Thus, the cost of testing would represent between 0.7 and 1.5 percent of the average value of the animals sold. The upgrading of the State to brucellosis Class Free status will result in a small savings for those entities moving cattle interstate other than directly to slaughter or to quarantined feedlots.

The Small Business Administration has established standards for determining whether an entity is considered small under the Regulatory Flexibility Act. An enterprise producing cattle and calves is considered small if it has annual receipts of \$750,000 or less. There were 4,997 farms with sales of cattle and calves in Wyoming in 2002. Over 97 percent of these farms had annual receipts not exceeding \$750,000. These small farms had average sales of \$133,000.

In sum, we expect that the majority of cattle and calves operations that will be affected by the interim rule are small entities. The interim rule will benefit producers that sell cattle and calves out of State for breeding and feeding purposes. However, the savings from the forgone testing will be very small, estimated to be about 1 percent of the value of the animals sold.

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 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

#### Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict 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 interim rule contains no 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 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 9 CFR part 78 as follows:

#### PART 78—BRUCELLOSIS

■ 1. The authority citation for part 78 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Section 78.41 is amended as follows:

■ a. In paragraph (a), by removing the word “and” and by adding the words “, and Wyoming” after the word “Wisconsin”.

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

#### § 78.41 State/area classification.

\* \* \* \* \*

(b) *Class A. Idaho and Texas.*

\* \* \* \* \*

Done in Washington, DC, this 12th day of September 2006.

**Nick Gutierrez,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E6-15327 Filed 9-14-06; 8:45 am]

**BILLING CODE 3410-34-P**

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30513 Amdt. No. 3184]

#### Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) and/or Weather Takeoff Minimums for operations at certain airports. These regulatory actions are

needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective September 15, 2006. The compliance date for each SIAP and/or Weather Takeoff Minimums is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 15, 2006.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The National Flight Procedures Office, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

*For Purchase—*Individual SIAP and Weather Takeoff Minimums copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs and Weather Takeoff Minimums mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City,