

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Part 77

[Docket No. APHIS-2006-0145]

#### Tuberculosis in Cattle and Bison; State and Zone Designations; Texas

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

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the bovine tuberculosis regulations regarding State and zone classifications by raising the designation of Texas from modified accredited advanced to accredited-free. The interim rule was based on our determination that Texas met the criteria for designation as an accredited-free State.

**DATES:** Effective on January 4, 2007, we are adopting as a final rule the interim rule published at 71 FR 58252-58254 on October 3, 2006.

**FOR FURTHER INFORMATION CONTACT:** Dr. Kathy Orloski, Epidemiologist, National Tuberculosis Eradication Program, National Center for Animal Health Programs, VS, APHIS, 2150 Centre Avenue, Building B, M/S 3E20, Fort Collins, CO 80526-8117, (970) 494-7221.

#### SUPPLEMENTARY INFORMATION:

##### Background

In an interim rule<sup>1</sup> effective on September 29, 2006, and published in the **Federal Register** on October 3, 2006

<sup>1</sup> To view the interim rule and the comment we received, go to <http://www.regulations.gov>, click on the "Advanced Search" tab, and select "Docket Search." In the Docket ID field, enter APHIS-2006-0145, then click "Submit." Clicking on the Docket ID link in the search results page will produce a list of all documents in the docket.

(71 FR 58252-58254, Docket No. APHIS-2006-0145), we amended the bovine tuberculosis regulations regarding State and zone classifications in 9 CFR part 77 by raising the designation of Texas from modified accredited advanced to accredited-free. The interim rule was based on our determination that Texas met the criteria for designation as an accredited-free State.

Comments on the interim rule were required to be received on or before December 4, 2006. We received one comment by that date, from a private citizen. The commenter stated his belief that if his herd of cattle is tested, then all neighboring herds should be tested to ensure that all cattle in the area are free of tuberculosis. We noted in the interim rule that State animal health authorities in Texas have demonstrated to us that the State meets the criteria for accredited-free status set forth in the definition of *accredited-free State or zone* in § 77.5 of the tuberculosis regulations. Those criteria include a requirement for zero percent prevalence of affected cattle or bison herds.

Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

#### List of Subjects in 9 CFR Part 77

Animal diseases, Bison, Cattle, Reporting and recordkeeping requirements, Transportation, Tuberculosis.

#### PART 77—TUBERCULOSIS

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 77 and that was published at 71 FR 58252-58254 on October 3, 2006.

Done in Washington, DC, this 26th day of December 2006.

**Kevin Shea,**

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

[FR Doc. E6-22545 Filed 1-3-07; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2006-25643; Directorate Identifier 2006-NM-135-AD; Amendment 39-14869; AD 2006-26-11]

RIN 2120-AA64

#### Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 and ERJ 190 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain EMBRAER Model ERJ 170 and ERJ 190 airplanes. This AD requires repetitive inspections to detect damaged smoke seals in the aft avionics compartment, repair/replacement if any damage is found, and reinforcement if no damage is found. This AD also requires eventual replacement of all smoke seals in the aft avionics compartment with new, improved seals having new part numbers, which terminates the repetitive inspections. This AD results from a report of damaged smoke seals in the aft avionics compartment of the affected airplanes. We are issuing this AD to prevent smoke from penetrating into the passenger cabin during a fire in the avionics compartment.

**DATES:** This AD becomes effective February 8, 2007.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of February 8, 2007.

**ADDRESSES:** You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC.

Contact Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343-CEP 12.225, Sao Jose dos Campos—SP, Brazil, for service information identified in this AD.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601