

Authority: 7 U.S.C. 601–674.

■ 2. In part 983, Subpart—Rules and Regulations is amended by adding new § 983.138 to read as follows:

**§ 983.138 Samples for testing.**

Prior to testing, a sample shall be drawn from each lot and divided into two subsamples to be used to test pistachios for aflatoxin and for minimum quality. The lot subsamples shall be of sufficient weight to comply with Tables 1 and 2 of § 983.38 and Table 4 of § 983.39: *Provided*, That lots of pistachios which are intended for dyeing or color-coating shall be sampled for minimum quality after the dyeing or color-coating process.

■ 3. In part 983, Subpart—Rules and Regulations is amended by adding § 983.143 to read as follows:

**§ 983.143 Reinspection.**

(a) Any lot of inshell pistachios that is pin-picked, hand-sorted, color-sorted, and/or resized is considered to be “materially changed.” Pistachios which are roasted, salted, flavored, air-legged, dyed, color-coated, cleaned, and otherwise subjected to similar processes are not considered to be materially changed.

(b) Each handler who handles pistachios shall cause any lot or portion of a lot initially certified for aflatoxin, quality, and size requirements, and subsequently materially changed, to be reinspected for aflatoxin, quality, and size, and certified as new lots: *Provided*, That:

(1) Pursuant to § 983.41(b) handlers exempted from minimum quality testing shall pull or have pulled representative lot samples for aflatoxin testing of any materially changed lots intended to be shipped into the domestic channels of commerce. Such representative lot samples shall be divided into two parts, one part shall be retested for aflatoxin and the other part shall be maintained for 90 days at the handler’s facilities. Handlers shall make the samples maintained for 90 days available for auditing by the Administrative Committee for Pistachios; and

(2) Handlers exempted from order requirements under § 983.70 are exempted from all reinspection requirements.

Dated: October 18, 2005.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 05–21167 Filed 10–20–05; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**9 CFR Part 77**

[Docket No. 04–068–3]

**Tuberculosis in Cattle and Bison; State and Zone Designations; New Mexico**

**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 removing New Mexico from the list of modified accredited advanced States, adding portions of two counties in New Mexico to the list of modified accredited advanced zones, and adding the remainder of the State to the list of accredited-free zones. We took this action based on our determination that New Mexico met the requirements of the regulations for zone recognition and that one of the zones met the criteria for designation as accredited-free.

**EFFECTIVE DATE:** The interim rule became effective on July 22, 2005.

**FOR FURTHER INFORMATION CONTACT:** Dr. M.J. Gilsdorf, Director, Ruminant Health Programs, National Center for Animal Health Programs, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule effective and published in the **Federal Register** on July 22, 2005 (70 FR 42259–42261, Docket No. 04–068–1), we amended the tuberculosis regulations in 9 CFR part 77 by removing New Mexico from the list of modified accredited advanced States in § 77.9(a), adding portions of two counties in New Mexico to the list of modified accredited advanced zones in § 77.9(b), and adding the remainder of the State to the list of accredited-free zones in § 77.7(b).

On August 12, 2005, we published a document in the **Federal Register** (70 FR 47078, Docket No. 04–068–2), correcting an error in the above-mentioned rule. When we set out the revised § 77.9(a) in the July 2005 interim rule, we inadvertently included California on the list of modified accredited advanced States. California was added to the list of accredited free States in § 77.7(a) in an interim rule

published in the **Federal Register** on April 15, 2005 (70 FR 19877–19878, Docket No. 05–010–1). Our August 2005 document corrected that error by removing California from the list of modified accredited advanced States in § 77.9(a).

Comments on the interim rule were required to be received on or before September 20, 2005. We received one comment by that date. The comment was from a State agricultural agency. The commenter supported the interim rule. 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 70 FR 42259–42261 on July 22, 2005, as corrected by the correcting amendment published at 70 FR 47078 on August 12, 2005.

Done in Washington, DC, this 17th day of October 2005.

**W. Ron DeHaven,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 05–21082 Filed 10–20–05; 8:45 am]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. FAA–2005–21086; Directorate Identifier 2004–NM–217–AD; Amendment 39–14344; AD 2005–21–06]

RIN 2120–AA64

**Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes**

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

**ACTION:** Final rule.