producers and handlers of cranberries. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on March 4, 1996, and recommended by a 7-to-1 vote an assessment rate of $0.04 per barrel of cranberries. A mail vote was conducted by the Committee regarding the budget, requiring responses by June 20, 1996. Seven out of eight responses were received in favor of the proposed budget. The 1996–97 recommended expenditures are $192,980. In comparison, last year's budgeted expenditures were $201,336. The assessment rate of $0.04 is $0.01 higher than last year's established rate. Major expenditures recommended by the Committee for the 1996–97 year include $63,764 for administrative expenses, and $66,732 for compensation.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of cranberries. Cranberry shipments for the year are estimated at 4,737,000 barrels which should provide $189,480 in assessment income. Income derived from handler assessments, along with interest income, will be adequate to cover budgeted expenses. Funds in the reserve will be kept within the maximum permitted by the order.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1996–97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996–97 fiscal period begins on September 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable cranberries handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is amended as follows:

PART 929—CRANBERRY MARKETING COMMITTEE

1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new subpart—Assessment Rates and a new § 929.236 are added to read as follows:

Note: This section will appear in the Code of Federal Regulations.

Subpart—Assessment Rate

§ 929.236 Assessment rate.

On and after September 1, 1996, an assessment rate of $0.04 per barrel is established for cranberries.

Dated: August 6, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96–20411 Filed 8–9–96; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 96–015–2]

Brucellosis; Approved Brucella Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as a final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the brucellosis regulations to remove the requirement that an approved brucella vaccine be, among other things, a *Brucella abortus* Strain 19 product. The interim rule allowed for the use of vaccines that have been developed using strains of *Brucella* other than *Brucella abortus* Strain 19. Specifically, the interim rule allowed the RB51 brucella vaccine, which was licensed for use in cattle by the U.S. Department of Agriculture in February 1996, to be used in the cooperative State/Federal brucellosis eradication program.

EFFECTIVE DATE: The interim rule was effective on March 26, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. M.J. Gilsdorf, National Brucellosis Epidemiologist, Cattle Diseases and Surveillance Staff, VS, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1228, (301) 734–7708; E-mail: mgilsdorf@aphis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective March 26, 1996, and published in the Federal Register on April 1, 1996 (61 FR 14237–14239, Docket No. 96–015–1), we amended the brucellosis regulations in 9 CFR part 78 by revising the definition of *approved brucella vaccine* and amending the definitions of *official adult vaccinate, official calfhood vaccinate,* and *official test* to provide for the use of approved brucella vaccines that have been developed using strains

of brucellosis other than *Brucella abortus* Strain 19. That action was necessary to allow the RB51 brucella vaccine, which was licensed for use in cattle by the U.S. Department of Agriculture in February 1996, to be used in the cooperative State/Federal brucellosis eradication program.

Comments on the interim rule were required to be received on or before May 31, 1996. We did not receive any comments by that date. The facts presented in the interim rule still provide a basis for the rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12372 and 12778 and the Paperwork Reduction Act.

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 process required by Executive Order 12866.

This document makes final an interim rule effective March 26, 1996, and published in the Federal Register on April 1, 1996. In that interim rule, we stated that timely compliance with sections 603 and 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) was impracticable due to the need to make the rule effective in time for U.S. cattle raisers to use RB51 to vaccinate the spring crop of calves before the calves were turned out for summer pasture. We further stated, however, that the final rule would include an analysis of the economic impact of the rule on small entities and would address any comments we received on the economic impact of the rule on small entities. We did not receive any comments regarding the impact of the rule on small entities, but we have prepared an analysis of the economic impact of the rule on small entities.

Currently available *Brucella abortus* Strain 19 brucella vaccines cause vaccinated animals to produce antibodies that are indistinguishable on standard diagnostic tests from the antibodies produced by animals infected with brucellosis. Therefore, when a vaccinated animal is tested, the results of the test indicate that the animal may be a brucellosis reactor, even though the animal is not infected with the disease; this misleading result is known as a ''false positive.'' State or Federal animal health personnel must trace those animals to their herds of origin to determine whether or not the herd is actually affected with brucellosis. Because the RB51 vaccine does not cause vaccinated cattle to produce those interfering antibody titers, replacing the Strain 19 vaccines with the RB51 vaccine will almost entirely eliminate the costs associated with the retesting and traceback of false-positive reactors.

In fiscal year (FY) 1995, about 6.7 million cattle (primarily calves between 4 and 12 months of age) were vaccinated against brucellosis using Strain 19 vaccine. Although brucellosis is expected to be eradicated in domestic cattle within 3 years, it is likely that some States will continue to encourage herd owners to vaccinate higher-risk cattle herds.

In FY 1995, blood samples taken from approximately 5,900 head of cattle at market or slaughter under the Market Cattle Identification (MCI) program tested positive for the brucella bacteria, requiring retesting and traceback to the herds of origin. By far, most of the positive tests proved to be false; only about 100 cattle were found to be infected. If the RB51 vaccine had been used, about 99 percent of the false-positive tests would not have occurred, so about 5,742 unnecessary tracebacks and herd tests would have been prevented.

An additional 6,000 of the MCI-sampled cattle had titer levels less than that indicative of a positive reaction, but sufficiently high to cause suspicion of the disease. An estimated 50 percent of these cattle also were traced back to their herds of origin, and the herd owners were contacted in about one-third of the cases. Again, the use of RB51 would have prevented about 99 percent (5,940) of the suspect titers, thus precluding the need for about 2,970 tracebacks, about 1,980 herd owner contacts, and about 990 herd tests.

The brucellosis ring test (BRT) for dairy herds in FY 1995 indicated 732 suspected cases of the disease. After retesting, 235 herds were subsequently blood-tested, but only 2 herds were found to be affected. Hence, 730 of the cattle tested were false-positive. Tracing and blood testing of their herds of origin would not have been necessary if the RB51 vaccine had been used.

For all three categories—MCI reactors, MCI suspects, and BRT reactors—the use of RB51 vaccine instead of Strain 19 will eliminate nearly all false-positive reactors. The potential savings can be estimated by considering resources currently devoted to tracebacks, lab tests, and related activities.

Estimated time required by major types of field work for which there will be resource savings when RB51 replaces Strain 19 are shown in Table 1.

TABLE 1.—ESTIMATED AVERAGE APHIS/STATE FIELD HOURS SPENT ON MCI AND BRT TESTS AND TRACEBACKS

Activity	Staff hours
Epidemiology	10.15
Contacting herd owners	2.23
Contacting veterinarians	1.00
MCI herds of origin locating	5.10
MCI herds of origin testing	12.21
BRT suspicious herds blood testing	13.00

In Table 2, the time requirements are multiplied by the estimated number of Strain 19 false-positives per year, yielding a potential field staff hour savings from using RB51 totaling 255,956 hours per year. Assuming an average staff hour cost of $27.85 (salary and benefits, plus support), annual field work savings for APHIS and cooperating States from replacing Strain 19 by RB51 would be about $7,128,000 (255,956 hours × $27.85 per hour). With reduced numbers of cattle vaccinated following brucellosis eradication, the number of false-positive reactors if Strain 19 were used would also be fewer; therefore, annual potential savings in subsequent years could be estimated at about one-half of current savings, or about $3,564,000, for field work that would no longer be necessary when RB51 is used in place of Strain 19.

TABLE 2.—ESTIMATED ANNUAL FIELD STAFF HOUR SAVINGS TO APHIS AND STATES FROM USING RB51 IN PLACE OF STRAIN 19, BASED ON FY 1995 AND FY 1996 DATA

Activity	Estimated number of Strain 19 false positives	Hours per activity	Total hours
Epidemiology:			
MCI reactors	5,742	10.15	58,281

TABLE 2.—ESTIMATED ANNUAL FIELD STAFF HOUR SAVINGS TO APHIS AND STATES FROM USING RB51 IN PLACE OF STRAIN 19, BASED ON FY 1995 AND FY 1996 DATA—Continued

Activity	Estimated number of Strain 19 false positives	Hours per activity	Total hours
MCI suspects [1]	2,970	10.15	30,146
BRT reactors	730	10.15	7,410
Contacts with herd owners:			
MCI reactors	15,742	2.23	12,805
MCI suspects [2]	1,980	2.23	4,415
BRT reactors	730	2.23	1,628
Contact with veterinarians: [3]			
MCI reactors	4,307	1.00	4,307
MCI suspects	297	1.00	297
BRT reactors	548	1.00	548
Locating herds of origin:			
MCI reactors	5,742	5.10	29,284
MCI suspects [4]	2,970	5.10	15,147
Testing herds of origin:			
MCI reactors	5,742	12.21	70,110
MCI suspects [5]	990	12.21	12,088
Testing suspect herds:			
BRT reactors	730	13.00	9,490

[1] Epidemiology is conducted for an estimated 50 percent of MCI suspects.
[2] An estimated one-third of herd owners are contacted for MCI suspects.
[3] Veterinarians are contacted for an estimated 75 percent of MCI reactors, 5 percent of MCI suspects, and 75 percent of BRT reactors.
[4] Herds of origin are located for an estimated 50 percent of MCI suspects.
[5] Herds of origin for MCI suspects are tested for an estimated one-third of those located.

In addition to field staff savings, MCI laboratory costs associated with Strain 19 false-positive tests will also be eliminated by the use of RB51 vaccine. The concentration immunoassay technology (CITE') test costs $10.00, which is paid either by the State or the herd owner, depending on a particular State's regulations. The costs of other official tests—e.g., the Rivanol, particle concentration fluorescence immunoassay (PCFIA), and manual complement-fixation (CF) tests—are estimated to total about $15 to $20 per tested animal, including overhead. As shown in Table 3, a savings of more than $320,000 will result from the use of RB51, assuming an overall cost for all laboratory work of $27.50. As with the field staff savings, we can assume that laboratory savings of at least one-half this amount, or $160,000 per year, will be realized after eradication of brucellosis, given the expected reduction in the number of cattle vaccinated.

TABLE 3.—ESTIMATED SAVINGS IN LABORATORY COSTS RESULTING FROM THE USE OF RB51 VACCINES IN PLACE OF STRAIN 19 VACCINES

Category	Estimated number of Strain 19 false positives per year	Average cost per set of analyses	Total cost
MCI reactors	5,742	$27.50	$157,905
MCI suspects	5,940	27.50	163,350

Estimated combined field and laboratory gross savings from using RB51 vaccine total nearly $7.45 million per year at current levels of vaccination. After brucellosis has been eradicated, gross savings of at least $3.7 million per year can be expected. Except in those States where owners are directly charged for the CITE® test, APHIS and cooperating States bear the costs associated with tracebacks and other activities required by false-positive tests. The general public, therefore, will benefit from the expected savings in government expenditures. Affected producers, most of whom can be considered small entities (gross annual incomes of less than $500,000), will also benefit by not having to spend time and resources in gathering their herds for testing to follow up on false-positive reactors and suspects.

The RB51 vaccine costs more than the Strain 19 vaccine, $0.42 per dose compared to $0.30 per dose. Based on the number of vaccinations given in FY 1995, this cost difference amounts to $804,000 per year. Assuming an average of about 4 million vaccinations per year following brucellosis eradication, the additional cost of the RB51 vaccine will be about $480,000 after eradication. The net benefit of replacing Strain 19 by RB51 is therefore estimated at about $6.6 million per year before brucellosis eradication, and about $3.2 million per year afterwards.

Lastly, because the RB51 vaccine will not cause false-positive titers as does Strain 19, it can be used to vaccinate older animals that might not otherwise be vaccinated. Although this advantage is not quantified, it will be a definite benefit for producers and States.

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.

List of Subjects in 9 CFR Part 78

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

PART 78—BRUCELLOSIS

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 9 CFR part 78 and that was published at 61 FR 14237–14239 on April 1, 1996.

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

Done in Washington, DC, this 6th day of August 1996.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–20450 Filed 8–9–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–157–AD; Amendment 39–9708; AD 96–16–08]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727–100 and –200 Series Airplanes With a Main Deck Cargo Door Installed in Accordance With Supplemental Type Certificate (STC) SA1797SO

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Boeing Model 727–100 and –200 series airplanes. This action requires an inspection to detect discrepancies of internal wires and electrical components of the control box of the main deck cargo door; modification of the wiring and components of the control box of the main deck cargo door; and a revision of the Airplane Flight Manual to impose an operational limitation of the motor pump power relay and pump motor. This amendment is prompted by results of an engineering review of the wiring diagram of the main deck cargo door installations, which revealed potential failures of the control box and hydraulic pump assembly installed in accordance with the STC. The actions specified in this AD are intended to prevent such failures, which could result in an inadvertent opening of the main deck cargo door during flight, with resultant major structural damage and possible reduced controllability of the airplane.

DATES: Effective August 27, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 27, 1996.

Comments for inclusion in the Rules Docket must be received on or before October 11, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–157–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The Boeing Manufacturing Drawing D65446 referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. FAA Advisory Circular (AC) 4313–1A, referenced in this AD, may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Both of these documents may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Randy Avera, Systems Engineer, ACE–116A, FAA, Atlanta Aircraft Certification Office, Small Airplane Directorate, Campus Building, 1701 Columbia Avenue, Suite 2–160, College Park, Georgia 30337–2748; telephone (404) 305–7381; fax (404) 305–7348.

SUPPLEMENTARY INFORMATION: The FAA recently conducted an engineering review of the wiring diagram of the main deck cargo door installations on Boeing Model 727–100 and –200 series airplanes that have been modified in accordance with Supplemental Type Certificate (STC) SA1797SO. The results of this review revealed the existence of two unsafe conditions related to the control box and hydraulic pump assembly installed on these airplanes:

1. Due to the close proximity to the relays, a 28-volt wire could become chafed as a result of vibration and, consequently, could short to power a single DC relay (AN 3311–2). This short to power could energize the DC relay and simultaneously apply electrical power to the hydraulic pump motor and to the control valve of the main deck cargo door.

2. Failure of an electrical relay on the 115-volt AC power circuit could cause the hydraulic pump motor to become energized and, consequently, produce full hydraulic pressure in the pump. Such available pressure could unlock the main deck cargo door.

These conditions, if not corrected, could result in an inadvertent opening of the main deck cargo door during flight, which could result in major structural damage and possible reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has issued Advisory Circular (AC) 43.13–1A, Change 3, dated 1988, which contains the following sections of Chapter 11 (''Electrical Systems''):

1. Section 1 (''Care of Electrical Systems''),
2. Section 3 (''Electrical Wire''),
3. Section 5 (''Connectors''), and
4. Section 7 (''Routing, Tying, Lacing, and Clamping'').

The FAA also has reviewed and approved Chapter 20, ''Standard Wiring Practices'', of Boeing Wiring Diagram Manual Document D6–54446, Revision 21, dated June 1, 1994.

These documents describe procedures for verifying that the wire and wire bundles are properly installed and restrained, and for reinstalling and restraining any wire or component that has been altered.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 727–100 and –200 series airplanes of the same type design, equipped with a main deck cargo door installed in accordance with STC SA1797SO, this AD is being issued to prevent an inadvertent opening of the main deck cargo door during flight, which can result in major structural damage and possible reduced controllability of the airplane. This AD requires the following actions:

1. Performing a one-time visual inspection of the internal wires and electrical components of the control box of the main deck cargo door to detect discrepancies, and repair, if necessary.