

date shown on the handler's statement. The interest charge shall be a rate of one and one half percent per month and shall be applied to the unpaid assessment balance for the number of days all or any part of the unpaid balance is delinquent beyond the 30 day payment period.

(b) In addition to the interest charge specified in paragraph (a) of this section, the Board shall impose a late payment charge on any handler whose payment has not been received in the Board's office, or the envelope containing the payment legibly postmarked by the U.S. Postal Service, within 60 days of the invoice date. The late payment charge shall be 10 percent of the unpaid balance.

Dated: September 6, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 96-23456 Filed 9-12-96; 8:45 am]

BILLING CODE 3410-02-P

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 96-033-1]

Official Brucellosis Tests

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the brucellosis regulations to add the rapid automated presumptive test to the list of official tests for determining the brucellosis disease status of test-eligible cattle, bison, and swine. We believe that this proposed action is warranted because the rapid automated presumptive test has been shown to provide an accurate, automated, and cost-effective means of determining the brucellosis status of test eligible cattle, bison, and swine. Adding the rapid automated presumptive test to the list of official tests for brucellosis in cattle, bison, and swine would help to prevent the spread of brucellosis by making available an additional tool for its diagnosis in those animals.

DATES: Consideration will be given only to comments received on or before November 12, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 96-033-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 96-033-1. Comments

received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

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

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*. In its principal animal hosts—cattle, bison, and swine—brucellosis is characterized by abortion and impaired fertility. The regulations in 9 CFR part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine in order to help prevent the spread of brucellosis.

Official brucellosis tests are used to determine the brucellosis disease status of cattle, bison, and swine. The regulations stipulate that certain cattle, bison, and swine must, among other requirements, test negative to an official brucellosis test prior to interstate movement. Official brucellosis tests are also used to determine eligibility for indemnity payments for animals destroyed because of brucellosis. In § 78.1 of the regulations, the definition of *official test* lists those tests that have been designated as official tests for determining the brucellosis disease status of cattle, bison, and swine.

The Animal and Plant Health Inspection Service (APHIS) has developed a new serologic test for the detection of *Brucella* antibodies, and we are proposing to amend the regulations to add this new presumptive test as an official test. The test, known as the rapid automated presumptive (RAP) test, provides an accurate, automated, and cost-effective means of determining the brucellosis status of test eligible cattle, bison, and swine. The RAP test is as sensitive as the existing buffered acidified plate antigen (BAPA) test currently used for cattle and bison and uses the same basic test criteria as the BAPA test, but the RAP test employs a computer reader and recording device to assess and report test results.

To conduct the RAP test, a laboratory technician places a serum sample drawn from a test eligible animal on a

microtiter plate, then measures the amount of light that is transmitted through the microtiter well using a computer reader and visual processor. The technician then mixes test antigen with the serum and once again measures the light transmission through the microtiter well; if *Brucella* antibodies are present, there will be an agglutination reaction between the antibodies and the test antigens, and the agglutination will reduce the amount of light that is transmitted through the test well. The computer reader compares the two light measurements and reports whether the blood sample is positive or negative for *Brucella* antibodies, based on the agglutination reaction. If the percentage of agglutination indicated is measured at less than the established reference level for the test, the results would be interpreted as negative and the animal from which the sample was drawn would be considered to be free from brucellosis and would be classified as such. If the percentage of agglutination is higher, the results would be interpreted as positive and the animal would have to be subjected to another, more specific, official test to determine its brucellosis classification.

The additional official test would be necessary because the RAP test, like the standard card, BAPA, and rapid screening tests already in use as official tests, is a presumptive test. A presumptive test is used as a tool to quickly qualify animals for interstate movement by establishing their freedom from a specific disease. If an animal tests positive to a presumptive test, a more specific official test like the standard tube, standard plate, or complement-fixation test is necessary to confirm the positive result and establish the animal's specific disease classification (i.e., reactor or suspect) by measuring different types of antibodies and varying degrees of agglutination or fixation in a serum sample at different dilutions (titers).

Executive Order 12866 and Regulatory Flexibility Act

This proposed 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 proposed rule would amend the brucellosis regulations by adding the RAP test to the list of official tests for determining the brucellosis disease status of test-eligible cattle, bison, and swine. The RAP test has been shown to provide an accurate, automated, and cost-effective means of determining the brucellosis status of test eligible cattle, bison, and swine. We believe that

adding the RAP test to the list of official tests for brucellosis in cattle, bison, and swine would help to prevent the spread of brucellosis by making available a highly efficient tool for its diagnosis in those animals.

The equipment needed to run the RAP test is already operational in some States where it is used for the diagnosis of pseudorabies. We anticipate that the 15 to 25 States that conduct a higher percentage of the brucellosis testing would be more likely to use the RAP test. The cost of equipping the animal health laboratories in those States that do not already have the equipment would be absorbed by the Cooperative State/Federal Brucellosis Eradication Program.

Adding the RAP test as an official test is not expected to affect the market price of the animals tested. Although more rapid testing may allow faster marketing, the effect on owners of cattle, bison, and swine would not be significant. Use of the RAP test would be optional, and other presumptive official tests would remain available for use by State and Federal animal health officials. However, the cost of the RAP test is markedly lower than one presumptive official test currently in use—the particle concentration fluorescence immunoassay (PCFIA) test—and equal to that of the standard card test, which is another presumptive official test in wide use. Therefore, if those States currently using the PCFIA test as a presumptive test were to switch over to the RAP test, the total testing costs for the Cooperative State/Federal Brucellosis Eradication Program would be reduced.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would 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 proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings

will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed 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 78

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

Accordingly, 9 CFR part 78 would be amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 would continue to read as follows:

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).

2. In § 78.1, in the definition of *official test*, paragraph (a)(12) would be redesignated as paragraph (a)(13) and new paragraphs (a)(12) and (b)(4) would be added to read as set forth below.

§ 78.1 Definitions.

* * * * *

Official test.

(a) * * *

(12) *Rapid Automated Presumptive (RAP) test.* An automated serologic test to detect the presence of *Brucella* antibodies in test-eligible cattle and bison. RAP test results are interpreted as either positive or negative; the results are interpreted and reported by a scanning autoreader that measures alterations in light transmission through each test well and the degree of agglutination present. Cattle and bison negative to the RAP test are classified as brucellosis negative; cattle and bison positive to the RAP test shall be subjected to other official tests to determine their brucellosis disease classification.

* * * * *

(b) * * *

(4) *Rapid Automated Presumptive (RAP) test.* An automated serologic test to detect the presence of *Brucella* antibodies in test-eligible swine. RAP test results are interpreted as either positive or negative; the results are interpreted and reported by a scanning autoreader that measures agglutination based on alterations in light transmission through each test well. Swine negative to the RAP test are classified as brucellosis negative; swine positive to the RAP test shall be subjected to other official tests to

determine their brucellosis disease classification.

* * * * *

Done in Washington, DC, this 9th day of September 1996.

A. Strating,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–23495 Filed 9–12–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–121–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 727–200 Series Airplanes; McDonnell Douglas MD–11 Airplanes; and British Aerospace Avro Model 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain transport category airplanes equipped with certain Honeywell Standard Windshear Detection System (WSS). This proposal would require a revision to the FAA-approved airplane flight manual to alert the flightcrew of the potential for significant delays in the WSS detecting windshear when the flaps of the airplane are in transition. The proposal also would require replacement of the currently-installed line replaceable unit (LRU) with a modified LRU having new software that eliminates delays in the WSS. This proposal is prompted by a report of an accident during which an airplane encountered severe windshear during a missed approach. The actions specified by the proposed AD are intended to prevent significant delays in the WSS detecting hazardous windshear, which could lead to the loss of flight path control.

DATES: Comments must be received by October 24, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–121–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00