districts and how the redefined districts will rectify these inequities.

District	Current district (percent)	Redefined district (percent)
1	11.02	13.54
2	13.24	13.24
3	15.57	15.00
4	1.79	12.20
5	4.52	12.03
6	12.19	8.59
7	34.25	14.65
8	7.41	10.75

Under the new boundaries, county lines will be kept intact as boundaries except in Tulare and Butte Counties. This final rule will remove Glenn, Lake, Colusa, Sonoma, Yolo, Solano, Del Norte, Humboldt, Trinity, Mendocino, Napa, and Marin Counties from District 4 and add them to District 1. Sacramento, El Dorado and Amador Counties will be removed from District 5 and added to District 1. Nevada and Placer Counties will be removed from District 2 and added to District 1. Sierra County will be removed from District 3 and added to District 1. In Butte County, the town of Gridley will remain as a whole district—District 2. Calaveras, Tuolumne, Contra Costa, Alpine, San Francisco, and Alameda Counties will be removed from District 5 and added to District 4. Mono and Mariposa Counties will be removed from District 6 and added to District 4. Kings County will be removed from District 6 and added to District 5. Inyo County will be removed from District 7 and added to District 6. Tulare County will be divided into four districts. District 5 will include Tulare County north of Highway 198 to the Kings County boundary. District 6 will include Tulare County south of Highway 198 to Avenue 56, excluding the west side of Highway 65 between Highway 137 and Avenue 56. District 7 will include Tulare County west of Highway 65 between Highway 137 and Avenue 56, and District 8 will include Tulare County south of Avenue 56.

Committee members serve 2-year terms of office beginning August 1, with about one-half of the membership selected each year. Of the current members, seven members are serving terms of office that expire on July 31, 1995, and five members are serving terms of office that expire on July 31, 1996. The committee recommended that all of the present committee members continue to serve through July 31, 1995, and that this redistricting be effective for nominations for all members to serve for terms beginning August 1, 1995. One-half of the committee members selected for terms of office beginning August 1, 1995, will serve one-year terms and the other half will serve two-year terms, with the determination of the terms for each member to be decided by lot.

The one voter in opposition to the recommendation wanted to allocate the additional three committee members and their alternates to the three districts with the highest number of growers rather than to the three districts with the highest production. However, the marketing order requires that the three additional members and alternates be allocated to the highest producing districts.

A proposed rule concerning this action was published in the **Federal Register** on December 9, 1994 [59 FR 63731], with a 30 day comment period ending January 9, 1995. No comments were received.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations 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.

It is further found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** [5 U.S.C. 553] because: 1) Nomination procedures begin in March for those members and alternates to be selected for terms beginning in 1995; 2) Handlers are aware of this rule, which was recommended by the committee at a public meeting; and 3) a 30-day comment period was provided for in the proposed rule and no adverse comments were received.

List of Subjects in 7 CFR Part 920

Kiwifruit, Marketing agreements.

For the reasons set forth in the preamble, 7 CFR Part 920 is amended as follows:

PART 920—KIWIFRUIT GROWN IN CALIFORNIA

1. The authority citation for 7 CFR Part 920 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 920.131 is added to read as follows:

§ 920.131 Redistricting of kiwifruit districts.

Pursuant to § 920.31 (l) the districts are redefined as follows:

(a) *District 1* shall include the counties of Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Mendocino, Tehama, Plumas, Glenn, Lake, Colusa, Sonoma, Yolo, Solano, Napa, Marin, Sacramento, Sierra, Nevada, Placer, El Dorado, Amador, and Butte (with the exception of that area set aside as ''District 2'').

(b) *District 2* shall include the 95948 postal zip code area known as Gridley in Butte County, and the area surrounding Gridley, incorporating the area located within the following boundaries: The area west of the Feather River; north of the Butte/Sutter County line; east of Pennington and Riley Roads; and south of Farris Road, Ord Ranch Road and Gridley Avenue.

(c) *District 3* shall include the counties of Sutter and Yuba.

(d) *District 4* shall include the counties of San Francisco, San Mateo, Santa Cruz, Contra Costa, Alameda, Santa Clara, Monterey, San Benito, San Joaquin, Calaveras, Alpine, Mono, Tuolumne, Stanislaus, Merced, Mariposa, Madera, and Fresno.

(e) *District 5* shall include Kings county and that portion of Tulare County north of Highway 198.

(f) *District 6* shall include Inyo County and that portion of Tulare County south of Highway 198 to Avenue 56, excluding the west side of Highway 65 between Highway 137 and Avenue 56.

(g) *District 7* shall include that portion of Tulare County of Tulare west of Highway 65 and between Highway 137 and Avenue 56.

(h) *District 8* shall include of Kern, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, San Diego, Los Angeles, Orange, Riverside, San Diego, Imperial Counties and that portion of Tulare County south of Avenue 56.

Dated: February 2, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–3148 Filed 2–7–95; 8:45 am]

BILLING CODE 3410–02–W

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7 CFR Parts 1005, 1007, 1011, 1046

[DA–95–06]

Milk in the Carolina, Georgia, Tennessee Valley, and Louisville-Lexington-Evansville Marketing Areas; Suspension of Certain Provisions of the Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This document extends a suspension of certain provisions of the Carolina, Georgia, Tennessee Valley, and Louisville-Lexington-Evansville Federal milk orders from March 1, 1995, through February 28, 1996, or until the conclusion of an amendatory proceeding (DA–94–12) which addressed these matters.

EFFECTIVE DATE: March 1, 1995, through February 28, 1996.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued November 21, 1994; published November 25, 1994 (59 FR 60572).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory burden on small entities by removing pricing disparities that are causing or could cause financial hardship for certain regulated plants.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Carolina, Georgia, Tennessee Valley, and Louisville-Lexington-Evansville marketing areas.

Notice of proposed rulemaking was published in the **Federal Register** on November 25, 1994 (59 FR 60572), concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment supporting and three comments opposing the proposed suspension were received.

After consideration of all relevant material, including the proposal in the notice, the comments received, and other available information, it is hereby found and determined that for the period of March 1, 1995, through February 28, 1996, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1005.7(d)(3) of the Carolina order, the words ''from'', ''there'', ''a greater quantity of route disposition, except filled milk, during the month'', and ''than in this marketing area'';
2. In § 1007.7(e)(3) of the Georgia order, the words '', except as provided in paragraph (e)(4) of this section,'';
3. In § 1007.7 of the Georgia order, paragraph (e)(4);
4. In § 1011.7(d)(3) of the Tennessee Valley order, the words ''from'', ''there'', ''a greater quantity of route disposition, except filled milk, during the month'', and ''than in this marketing area''; and
5. In § 1046.2 of the Louisville-Lexington-Evansville order, the word ''Pulaski''.

Statement of Consideration

This document extends an existing suspension that has been in effect since March 1, 1994. This suspension allows a distributing plant operated by Land-O-Sun Dairies, Inc., at Kingsport, Tennessee, that is located within the Tennessee Valley marketing area and that meets all of the pooling standards of the Tennessee Valley order (Order 11) to be regulated under that order rather than the Carolina order (Order 5) despite the plant having greater sales in the Carolina marketing area. It also allows a distributing plant operated by Southern Belle Dairy Company, Inc., located at Somerset, Kentucky, that has been regulated under the Tennessee Valley order for the past five years to remain regulated there even if it develops greater sales in the Louisville-Lexington-Evansville (Order 46) marketing area. In addition, the suspension allows a supply plant operated by Armour Food Ingredients at Springfield, Kentucky, that has been supplying the Southern Belle plant to remain pooled under the Tennessee Valley order without having to make uneconomic shipments of milk that it contends would be necessary to remain pooled if the Somerset plant were regulated under Order 46.

The problems prompting the existing suspension of these provisions were thoroughly explained in a suspension order (DA–93–29) issued on March 28, 1994 (published April 1, 1994 (59 FR 15315)). In that document, it was noted that ''orderly marketing will be best preserved by adopting the proposed suspension, for a 12-month period only, to allow the industry time to develop proposals for a hearing to be held before the suspension period expires.'' [emphasis added]

Due to significant changes that have occurred in these markets within the past year, the Department was delayed in holding the promised hearing until January 4, 1995. (The one-day hearing was held in Charlotte, North Carolina.) Advised that the Department would be unable to evaluate the hearing record and amend the orders by the time the current suspension expires on February 28, both Southern Belle Dairy Company and Land-O-Sun Dairies, Inc., who were proponents of the existing suspension, submitted requests to extend the current suspension until the amendatory proceeding was concluded.

Mid-America Dairymen, Inc. (Mid-America) and Southern Milk Sales, on behalf of their member-producers who deliver producer milk to plants regulated under the Orders 5, 7, 11, and 46, filed a comment letter supporting the continued suspension. Coburg Dairy Inc. (Coburg), Edisto Milk Producers Association, and Purity Dairies, Inc. (Purity), filed comment letters in opposition to the continued suspension. Coburg and Edisto reiterated their opposition to the existing suspension and questioned the rationale for continuing it, but offered no opposition testimony to proposals at the hearing that would permanently regulate the Land-O-Sun and Southern Belle plants under Order 11. Purity Dairies, a Nashville, Tennessee, handler that is regulated under the Georgia order (Order 7), stated that it cannot procure milk from its traditional supply area in

central Kentucky in competition with Armour and Southern Belle because its blend price in Nashville is no longer competitive with the Order 11 blend price.

While it is true that Purity's blend price under Order 7 and former[1] Order 98 (Nashville, Tennessee) was frequently close to or below the Order 11 blend price during the months of December 1993 through April 1994, data introduced into the record of the Charlotte hearing indicate that since May 1994 the Nashville-Springfield price relationship has returned to a more normal pattern, as shown in the Table 1.

TABLE 1.—COMPARISON OF BLEND PRICES: JANUARY 1992–NOVEMBER 1994 NASHVILLE, TN (ORDER 98/7)—SPRINGFIELD, KY (ORDER 11)

	Average blend price at Nashville, TN, under order 98/7	Average blend price at Springfield, KY, under order 11	Difference
1/92–11/93	13.85	13.58	.26
12/93–4/94	14.22	14.33	–.11
5/94–11/94	14.01	13.72	.28

If Purity has difficulty in attracting a milk supply, it should direct its concern to the open record for the proposed Southeast marketing area, which encompasses the Nashville area.

There was no testimony at the January 4 hearing in opposition to either the continuation of the current suspension or to the Southern Belle proposals, which, as noted above, effectively would allow Southern Belle, and therefore Armour, to be permanently regulated under Order 11.

Accordingly, it is necessary to suspend the aforesaid provisions from March 1, 1995, through February 28, 1996, or until such earlier time as an order amending the aforesaid orders is issued on the basis of the January 4, 1995, hearing record.

List of Subjects in 7 CFR Parts 1005, 1007, 1011, and 1046

Milk marketing orders.

For the reasons set forth in the preamble, the following provisions in Title 7, Parts 1005, 1007, 1011, and 1046, are amended as follows:

1. The authority citation for 7 CFR Part 1005, 1007, 1011, and 1046 continues to read as follows:

Authority: Secs. 1–19, 48 Stat 31, as amended; 7 U.S.C. 601–674.

PART 1005—MILK IN THE CAROLINA MARKETING AREA

§ 1005.7 [Suspended in part]

2. In § 1005.7(d)(3), the words ''from'', ''there'', ''a greater quantity of route disposition, except filled milk, during the month'', and ''than in this marketing area'' are suspended from March 1, 1995, through February 28, 1996;

PART 1007—MILK IN THE GEORGIA MARKETING AREA

§ 1007.7 [Suspended in part]

3. In § 1007.7(e)(3), the words '', except as provided in paragraph (e)(4) of this section,'' are suspended from March 1, 1995, through February 28, 1996;

4. In § 1007.7, paragraph (e)(4) is suspended from March 1, 1995, through February 28, 1996;

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

§ 1011.7 [Amended]

5. In § 1011.7(d)(3), the words ''from'', ''there'', ''a greater quantity of route disposition, except filled milk, during the month'', and ''than in this marketing area'' are suspended from March 1, 1995, through February 28, 1996; and

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

§ 1046.2 [Amended]

6. In § 1046.2 of the Louisville-Lexington-Evansville order, the word ''Pulaski'' is suspended from March 1, 1995, through February 28, 1996.

Dated: February 2, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–3143 Filed 2–7–95; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 1050

[DA–95–09]

Milk in the Central Illinois Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends the aggregate limits on the amount of producer milk that may be diverted from a pool plant under the Central Illinois Federal milk marketing order for an indefinite period beginning with the month of January 1995. The proposal was submitted by Prairie Farms Dairy, Inc., and Associated Milk Producers, Inc. Both cooperatives contend the suspension is necessary to ensure that producers historically associated with the market will continue to have their milk pooled under the order without having to move milk uneconomically.

EFFECTIVE DATE: February 8, 1995.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1932.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued December 28, 1994; published January 4, 1995 (60 FR 379).

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this rule will not have a significant economic impact on a substantial number of small entities. This rule lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. This rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or

[1] The Nashville, Tennessee, order was terminated effective July 31, 1993.