

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.

DATES: Comments are due no later than January 11, 1995.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456.

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: 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 proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

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

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act, the suspension of the following provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for an indefinite period commencing on January 1, 1995:

In § 1050.13(d)(2), the words “: *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section”.

All persons desiring to submit written data, views or arguments about the proposed suspension should send two copies of their views to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 7th day after publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures before the requested suspension is to be effective.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed action would suspend the aggregate limit on the amount of milk that may be diverted from a pool plant during the months of August through April. At the present time, for each day's production of a producer's milk that is delivered to a pool plant during these months, another day's production may be diverted to a nonpool plant. However, in addition to this individual producer limit, there is an aggregate limit of 35 percent that applies to the total amount of milk that a pool plant operator may divert during the month. The language proposed to be suspended would remove this 35

percent aggregate limit, effectively increasing the aggregate limit to 50 percent of a pool plant operator's total producer receipts during the month.

In their letter requesting the suspension, Prairie Farms Dairy, Inc. (Prairie Farms) and the Morning Glory Farms region of Associated Milk Producers, Inc. (AMPI), explained that Prairie Farms now operates the only distributing plant under the Central Illinois order (Order 50) and that both cooperatives supply milk to this plant, which is located in Peoria. For several reasons, including the availability of abundant quantities of good quality feed, milk production is up substantially in recent months compared to the same period of last year. This has resulted in both cooperatives having to divert additional milk to nearby unregulated manufacturing plants on weekends, holidays, and other days when the Peoria plant is not in operation.

Prairie Farms and AMPI state that the proposed suspension would allow them to continue to balance the supply of milk needed at the Peoria plant while, at the same time, eliminating the need to haul milk in and out of the plant merely to keep their milk pooled under the order.

Accordingly, it may be appropriate to suspend the aforesaid provision for an indefinite period commencing on January 1, 1995.

List of Subjects in 7 CFR Part 1032

Milk marketing orders.

The authority citation for 7 CFR Part 1050 continues to read as follows:

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

Dated: December 28, 1994.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

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7 CFR Part 1280

[No. LS-94-014]

Sheep Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service; USDA.

ACTION: Notice: Invitation to submit proposals.

SUMMARY: Interested parties are invited to submit proposals for a sheep and wool promotion, research, education, and information order, or parts of an order as provided for by the Sheep

Promotion, Research, and Information Act (Act). The Act authorizes a national industry-funded program for sheep and wool promotion, research, education, and information.

Interested parties are also invited to submit views on whether it would be beneficial to hold a public meeting during an ensuing comment period to discuss the proposals.

DATES: Proposals must be received by February 3, 1995.

ADDRESSES: Proposals (two copies) should be mailed to: Ralph L. Tapp, Chief, Marketing Programs Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2624-S; P.O. Box 96456; Washington, D.C. 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp on 202/720-1115.

SUPPLEMENTARY INFORMATION: The Sheep Promotion, Research, and Information Act, enacted on October 22, 1994, authorizes the establishment of a national sheep and wool promotion, research, education, and information program financed through assessments on both domestic and imported sheep and sheep products, including exports of live sheep and greasy wool. The nationwide program will be administered by the National Sheep Promotion, Research, and Information Board, composed of 120 members, including 85 producers, 10 feeders and 25 importers, who will be appointed by the Secretary of Agriculture to represent units. The term units means each State, group of States, or class designation that is represented on the Board.

To establish the initial Board, the Secretary will solicit nominations from eligible producer, feeder, and importer organizations. Organizations that represent the producer segment of the industry must meet certain criteria in order to be certified to submit nominations for that industry segment. If no producer organization is certified to submit nominations for a State unit, or if no feeder or importer organization is eligible to submit nominations for those industry segments, then the Secretary shall use other means to secure nominations for appointment to the Board.

Funds will be collected by assessing domestic producers, feeders, and exporters 1 cent per pound of live sheep sold and 2 cents per pound of greasy wool sold. Importers will be assessed: (1) 1 cent per pound of live sheep imported; (2) the equivalent of 1 cent per pound of live sheep for sheep products imported; and (3) 2 cents per pound of degreased wool or the equivalent of degreased wool for wool

and wool products imported. Imported raw wool is exempt from assessments. All assessment rates may be adjusted in accordance with applicable provisions of the Act.

Because the Act permits an association of producers to request the issuance of an order and to submit a proposal, the Department of Agriculture will receive written proposals for a sheep and wool promotion, research, education, and information order, or for various provisions thereof. Proposals must be submitted in duplicate to the Marketing Programs Branch, Livestock and Seed Division; AMS, USDA, Room 2624-S; P.O. Box 96456, Washington, D.C. 20090-6456, and must be received in the Department by February 3, 1995.

Proposals should include: (1) the proposed order language; (2) a description of the proposed order provisions; (3) an explanation of the nature and purpose of the proposed order provisions; (4) references to the section of the Sheep Promotion, Research, and Information Act that would be implemented by an order provision; and (5) any other pertinent information concerning a proposal that would assist in the process of implementing the Act.

The Department will only publish for public comment in the **Federal Register** proposals that are consistent with the Act.

List of Subjects in 7 CFR Part 1280

Administrative practice and procedure, Advertising, Agricultural research, Marketing agreements, Sheep and sheep products, Reporting and recordkeeping requirements.

Authority: The Sheep Promotion, Research, and Information Act; 7 U.S.C. 7101-7111.

Dated: December 29, 1994.

Lon Hatamiya,

Administrator, Agricultural Marketing Service.

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Commodity Credit Corporation

7 CFR Part 1421

RIN 0560-AD66

1995-Crop Peanut Minimum CCC Export Edible Sales Price for Additional Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth a proposed minimum Commodity Credit

Corporation (CCC) sales price for 1995 crop of additional peanuts for export edible use of \$400 per short ton (st).

DATES: Comments must be received by January 17, 1995, in order to be assured of consideration.

ADDRESSES: Comments must be mailed to Robert Miller, Consolidated Farm Service Agency (CFSA), United States Department of Agriculture, room 3739, South Building, PO Box 2415, Washington, DC 20013-2415. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in room 3739, South Building, 14th and Independence Avenue SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Miller, CFSA, USDA, room 3739, South Building, P.O. Box 2415, Washington, DC 20013-2415, telephone 202-720-7477.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are Commodity Loans and Purchases—10.051.

Executive Order 12778

This rule has been reviewed in accordance with Executive Order 12778. The provisions of this rule do not preempt State law, are not retroactive, and do not involve administrative appeals.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable because CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of these determinations.

Paperwork Reduction Act

The amendments to 7 CFR part 1421 set forth in this proposed rule do not contain information collections that require clearance by the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Discussion

This proposed rule would amend 7 CFR part 1421 to set forth the minimum CCC sales price for the 1995 crop of