

any category of invitees other than those as to whom the finding is required by paragraph (g)(3)(i) of this section. Where a finding under paragraph (g)(3)(i) of this section is required, a written determination of agency interest, including the necessary finding, may be issued to cover two or more employees whose duties similarly affect the interests of the person who has extended the invitation or, where that person is an association or organization, of its members.

(4) *Free attendance.* For purposes of paragraphs (g)(1) and (2) of this section, free attendance may include waiver of all or part of a conference or other fee or the provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. It does not include travel expenses, lodgings, entertainment collateral to the event, or meals taken other than in a group setting with all other attendees. Where the invitation has been extended to an accompanying spouse or other guest (see paragraph (g)(6) of this section), the market value of the gift of free attendance includes the market value of free attendance by the spouse or other guest as well as the market value of the employee's own attendance.

Note: There are statutory authorities implemented other than by part 2635 under which an agency or an employee may be able to accept free attendance or other items not included in the definition of free attendance, such as travel expenses.

(5) *Cost provided by sponsor of event.* The cost of the employee's attendance will not be considered to be provided by the sponsor, and the invitation is not considered to be from the sponsor of the event, where a person other than the sponsor designates the employee to be invited and bears the cost of the employee's attendance through a contribution or other payment intended to facilitate that employee's attendance. Payment of dues or a similar assessment to a sponsoring organization does not constitute a payment intended to facilitate a particular employee's attendance.

(6) *Accompanying spouse or other guest.* When others in attendance will generally be accompanied by a spouse or other guest, and where the invitation is from the same person who has invited the employee, the agency designee may authorize an employee to accept an unsolicited invitation to an accompanying spouse or to another accompanying guest to participate in all or a portion of the event at which the employee's free attendance is permitted under paragraph (g) (1) or (2) of this

section. The authorization required by this paragraph may be provided orally or in writing.

Example 1. An aerospace industry association that is a prohibited source sponsors an industry-wide, two-day seminar for which it charges a fee of \$400 and anticipates attendance of approximately 400. An Air Force contractor pays \$2,000 to the association so that the association can extend free invitations to five Air Force officials designated by the contractor. The Air Force officials may not accept the gifts of free attendance. Because the contractor specified the invitees and bore the cost of their attendance, the gift of free attendance is considered to be provided by the company and not by the sponsoring association. Had the contractor paid \$2,000 to the association in order that the association might invite any five Federal employees, an Air Force official to whom the sponsoring association extended one of the five invitations could attend if his participation were determined to be in the interest of the agency. The Air Force official could not in any event accept an invitation directly from the contractor because the market value of the gift exceeds \$250.

Example 2. An employee of the Department of Transportation is invited by a news organization to an annual press dinner sponsored by an association of press organizations. Tickets for the event cost \$250 per person and attendance is limited to 400 representatives of press organizations and their guests. If the employee's attendance is determined to be in the interest of the agency, she may accept the invitation from the news organization because more than 100 persons will attend and the cost of the ticket does not exceed \$250. However, if the invitation were extended to the employee and an accompanying guest, her guest could not be authorized to attend since the market value of the gift of free attendance would be \$500 and the invitation is from a person other than the sponsor of the event.

Example 3. An employee of the Department of Energy and his wife have been invited by a major utility to a dinner party for 20 people. Others invited include eight officials of the utility and their spouses and a representative of a consumer group concerned with utility rates and her husband. The DOE official believes the dinner party will provide him an opportunity to socialize with and get to know those in attendance. The employee may not accept, even if his attendance could be determined to be in the interest of the agency. The dinner

party is not a widely attended gathering; twenty is not a large number of persons and, notwithstanding the presence of another person who is not an official of the utility, those in attendance do not represent a range of persons interested in any identifiable matter.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1046

[DA-95-18]

Milk in the Louisville-Lexington-Evansville Marketing Area; Proposed Suspension/Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension/termination of rule.

SUMMARY: This document invites written comments on a proposal to suspend or terminate the base-excess plan of the Louisville-Lexington-Evansville Federal milk marketing order, effective September 1, 1995. The proposed suspension/termination was submitted by Holland Dairies, Inc., which contends the action is necessary to allow handlers in the area to compete equally for a supply of milk and to ensure that producers will continue to have their milk priced and pooled under the Order.

DATES: Comments are due on or before July 17, 1995.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, PO 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, PO 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 or termination of the following provisions of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered:

1. Section 1046.32(d).
2. In the heading of § 1046.61, the words "and uniform prices for base and excess milk"; in § 1046.61(a), the words "for each month" and "of July and February"; in § 1046.61(a)(5), the words "for each month", the "s" on the end of the word "months", and the words "for the months of July through February"; and § 1046.61(b) in its entirety.
3. In §§ 1046.62(b) and 1046.71(a)(2)(i), the letter "(s)" on the end of the word "prices".
4. In § 1046.73(a), the last sentence.
5. In § 1046.73(b), the letter "(s)" on the end of the word "prices" and the words "or base milk and excess milk".

6. In § 1046.73, paragraphs (d)(3) and (e)(3).

7. In § 1046.73(d)(4), the letter "(s)" on the end of the word "rate(s)".

8. In § 1046.73(d)(5), the letter "(s)" on the end of the word "rate(s)" wherever it appears.

9. In § 1046.75(a), the words "and the uniform price" and the word "base".

10. Sections 1046.90 through 1046.94.

All persons who want to send written data, views, or arguments about the proposed suspension/termination should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, by the 30th day after the publication of this notice in the **Federal Register**.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend or terminate the base-excess plan of the Louisville-Lexington-Evansville Federal milk marketing order (Order 46), effective September 1, 1995, the first month of the base-forming period. Holland Dairies, Inc. (Holland), a fully regulated distributing plant under Order 46 that procures its milk from over 100 nonmember producers and Associated Milk Producers, Inc., states that the Order's base-excess plan has created significant milk procurement problems in the area in recent years.

Holland claims that the base-excess plan limits its ability to obtain milk from new producers because these producers have no base. As a result, the handler states that it has been forced to purchase supplemental milk during the summer months from producers located outside the region at an additional cost.

According to Holland, the cooperatives in the southern Indiana area which compete with it for producers do not pay their member-producers base and excess prices. Additionally, Holland states that the Indiana and Ohio Valley Federal milk orders, which border Order 46 to the north, do not contain a producer base-excess plan. Holland contends that both of these factors place it at a competitive disadvantage in procuring milk and are unreasonable and detrimental to its long-term ability to retain nonmember producers.

Therefore, comments are sought to determine whether the aforementioned provisions should be suspended or terminated.

List of Subjects in 7 CFR Part 1046

Milk marketing orders.

The authority citation for 7 CFR Part 1046 continues to read as follows:

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

Dated: June 9, 1995.

Lon Hatamiya,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-01-AD]

Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Fairchild Aircraft SA226 and SA227 series airplanes. The proposed action would require installing foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Two incidents of objects falling through openings of the cockpit floor and jamming the elevator controls and the yoke prompted the proposed action. The actions specified by the proposed AD are intended to prevent airplane flight control jammings caused by objects falling through the cockpit floor openings.

DATES: Comments must be received on or before August 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-CE-01-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279-0490; telephone