

(b) Environmental impact statements will be processed from inception (publication of the notice of intent) to completion (publication of a final environmental impact statement or a supplement) according to the Council on Environmental Quality implementing regulations.

(c) For rulemaking or adjudicatory proceedings, relevant environmental documents, comments, and responses will be a part of the administrative record.

(d) For all APHIS activity that is subject to the NEPA process, relevant environmental documents, comments, and responses will accompany proposals through the review process.

(e) The APHIS decisionmaker will consider the alternatives discussed in environmental documents in reaching a determination on the merits of proposed actions.

(f) APHIS will implement mitigation and other conditions established in environmental documentation and committed to as part of the decisionmaking process.

#### § 372.10 Supplementing environmental impact statements.

Once a decision to supplement an environmental impact statement is made, a notice of intent will be published. The administrative record will thereafter be open. The supplemental document will then be processed in the same fashion (exclusive of scoping) as a draft and a final statement (unless alternative procedures are approved by CEQ) and will become part of the administrative record.

Done in Washington, DC, this 26th day of January 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 95-2450 Filed 1-31-95; 8:45 am]

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### Agricultural Marketing Service

#### 7 CFR Part 1032

[DA-95-08]

#### Milk in the Southern Illinois-Eastern Missouri Marketing Area; Suspension of Certain Provisions of the Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Suspension of rule.

**SUMMARY:** This document suspends a portion of the pool supply plant definition of the Southern Illinois-Eastern Missouri Federal milk

marketing order (Order 32) for the month of January 1995. The proposed suspension was requested by Mid-America Dairymen, Inc., and Prairie Farms, Inc., which contend the proposed action is necessary to ensure that producers' milk historically associated with Order 32 will continue to be priced and pooled under the order.

**EFFECTIVE DATE:** January 1, 1995, through January 31, 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 27, 1994; published January 3, 1995 (60 FR 65).

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

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 Southern Illinois-Eastern Missouri marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on January 3, 1995 (60 FR 65) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views and arguments thereon. One comment letter supporting the proposed suspension was received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the period of January 1, 1995, through January 31, 1995, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1032.7(c), the words "each of", the letter "s" at the end of the word "months", and the words "through January" and "for the months of February".

#### Statement of Consideration

This rule suspends a portion of the pool supply plant definition of the Southern Illinois-Eastern Missouri Federal milk order. The suspension allows a supply plant to qualify as a pool plant during the month of January 1995 if it qualified as a pool supply plant during the immediately preceding month of September.

Mid-America Dairymen, Inc. (Mid-America), and Prairie Farms, Inc. (Prairie Farms), jointly requested the suspension. According to the request letter, Mid-America lost a major account with a pool distributing plant regulated under Order 32, effective December 16, 1994. As a result, Mid-America and Prairie Farms contend that much of the producer milk supplying the distributing plant will no longer be needed for Class I use. The proponents assert that the order should not penalize producers who have historically supplied the Class I needs of the market by requiring milk shipments that are not needed.

Mid-America and Prairie Farms filed a comment letter reiterating its support for the proposed suspension. No comments were received in opposition to the proposed action.

The suspension is found to be necessary for the purpose of assuring

that producers whose milk has long been associated with the Southern Illinois-Eastern Missouri marketing area will continue to benefit from pooling and pricing under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. One comment letter supporting the proposed suspension was received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

#### List of Subjects in 7 CFR Part 1032

Milk marketing orders.

For the reasons set forth in the preamble, the following provision in Title 7, Part 1032, is amended as follows:

#### PART 1032—MILK IN THE SOUTHERN ILLINOIS-EASTERN MISSOURI MARKETING AREA

1. The authority citation for 7 CFR Part 1032 continues to read as follows:

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

##### § 1032.7 [Suspended in part]

2. In § 1032.7(c), the words "each of", the letter "s" at the end of the word "months", and the words "through January" and "for the months of February", are suspended for the period of January 1, 1995, through January 31, 1995.

Dated: January 27, 1995.

**Patricia Jensen,**

*Acting Assistant Secretary, Marketing and Regulatory Programs.*

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 926

#### Montana Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving, with certain exceptions and additional requirements, a proposed amendment to the Montana regulatory program (hereinafter referred to as the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Montana proposed revisions to statutes pertaining to ownership and control of operations, violation history updates, notices of intent for prospecting, and consent to surface mining by surface owner. The amendment is intended to revise the Montana program to be consistent with the corresponding Federal regulations and SMCRA, improve operational efficiency, and comply with a decision by the State Supreme Court.

**EFFECTIVE DATE:** February 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Guy V. Padgett, Telephone: (307) 261-5776.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the Montana Program

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and conditions of approval of the Montana program can be found in the April 1, 1980, **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.15 and 926.16.

##### II. Proposed Amendment

By letters dated June 16 and July 28, 1993 (Administrative Record No. MT-11-01), Montana submitted a proposed amendment to its program pursuant to SMCRA.

Montana submitted the proposed amendment in response to statutory changes adopted by the Montana 1993 Legislature regarding notices of intent for "prospecting," ownership and control provisions, violation history updates, surface owner consent, and editorial changes. OSM announced

receipt of the proposed amendment in the August 27, 1993, **Federal Register** (58 FR 45303), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (Administrative Record No. MT-11-09). Because no one requested a public hearing or meeting, none was held. The public comment period ended September 27, 1993.

During its review of the amendment, OSM identified concerns relating to the proposed deletion of Montana Code Annotated (MCA) 82-4-224 concerning surface owner consent and the proposed provisions of MCA 82-4-226(8) concerning coal exploration ("prospecting") under notices of intent. OSM notified Montana of these concerns by letter dated January 19, 1994 (Administrative Record No. MT-11-18).

Montana responded in a letter dated July 28, 1994 (Administrative Record No. MT-11-19) by submitting additional explanatory information for the two statutory provisions noted above and concerning MCA 82-4-203 (definitions).

Based upon the additional explanatory information for the proposed program amendment submitted by Montana, OSM reopened the public comment period in the August 11, 1994, **Federal Register** (59 FR 41262; Administrative Record No. MT-11-20). The public comment period ended on August 26, 1994.

##### III. Director's Findings

As discussed below, the Director in accordance with SMCRA and 30 CFR 732.15 and 732.17 finds, with certain exceptions and additional requirements, that the proposed program amendment submitted by Montana on June 16 and July 28, 1993, and as clarified by it on July 28, 1994, is no less effective in meeting SMCRA's requirements than the corresponding Federal regulations and no less stringent than SMCRA. Accordingly, the Director approves the proposed amendment, with certain exceptions and additional requirements.

##### 1. Nonsubstantive Revisions to Montana's Statutes

Montana proposed revisions to the following previously-approved statutes that are nonsubstantive in nature and consist of minor editorial, punctuation, or grammatical changes (corresponding Federal regulation and/or SMCRA provisions are listed in parentheses): 82-4-203, MCA, subsections (14), (16), (21), (23), (29), (34), (35), and (36) (SMCRA Section 701, 301 CFR 700.5 & 701.5), definitions;