

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent 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 information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 360

Imports, Plants (Agriculture), Quarantine, Transportation, Weeds.

Accordingly, 7 CFR part 360 would be amended as follows:

PART 360—NOXIOUS WEED REGULATIONS

1. The authority citation for part 360 would continue to read as follows:

Authority: 7 U.S.C. 2803 and 2809; 7 CFR 2.17, 2.51, and 371.2(c).

§ 360.200 [Amended]

2. Section 360.200 would be amended as follows:

a. In paragraph (a), by removing "*Stratiotes aloides* Linnaeus (water-aloë)".

b. In paragraph (a), by adding "*Ottelia alismoides* (L.) Pers." immediately after "*Monochoria vaginalis* (Burman f.) C. Presl".

c. In paragraph (c), by removing "*Euphorbia prunifolia* Jacquin (painted euphorbia)".

d. In paragraph (c), by adding "*Solanum viarum* Dunal (tropical soda apple)" immediately after "*Solanum torvum* Swartz (turkeyberry)".

Done in Washington, DC, this 15th day of March 1995.

Terry Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-7135 Filed 3-22-95; 8:45 am]

BILLING CODE 3410-34-P

Agricultural Marketing Service**7 CFR Part 1050**

[DA-95-14]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This document invites written comments on a proposal to suspend a portion of the producer milk definition of the Central Illinois Federal milk marketing order (Order 50) for an indefinite period commencing April 1, 1995. The proposed suspension was requested by Prairie Farms Dairy, Inc., which contends the action is necessary to prevent uneconomic and inefficient movements of milk and to ensure that producer milk historically associated with Order 50 will continue to be pooled under the order.

DATES: Comments are due no later than March 30, 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, beginning April 1, 1995:

In § 1050.13(d)(2), the words "not" and "it" where they first appear.

All persons who want 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 rule would suspend a portion of the producer milk definition under the Central Illinois order for an indefinite period of time, beginning April 1, 1995. The proposed suspension would suspend the diversion limits applicable to individual producers for a pool distributing plant regulated under the order. The aggregate limit of 35 percent contained in the proviso of

§ 1050.13(d)(2) were suspended for an indefinite period on January 1, 1995.

The Central Illinois order currently allows an operator of a distributing plant to divert to a nonpool plant up to 50 percent of a producer's milk that is physically received at the pool plant during the months of August through April. The proposed suspension would allow a distributing plant to divert an unlimited amount of a producer's milk to a nonpool plant during each of these months, provided that at least one day's production is physically received at a pool plant.

Prairie Farms, which operates the only distributing plant regulated under Order 50, states that it represents over 90 percent of the producer milk pooled under Order 50. According to Prairie Farms, approximately 60 percent of its producer milk pooled under Order 50 was supplied to Beatrice Cheese, Inc., effective December 1, 1994. It contends the proposed suspension is necessary to permit it to keep its producers pooled under the order without the necessity of costly and inefficient movements of milk. It maintains that its proposal would not jeopardize the integrity of the order because at least one day's production would have to be physically received at a pool plant during each of the months of August through April to qualify the milk for diversion to a nonpool plant. Prairie Farms requests that the proposed action be handled on an emergency basis to allow the continuous pooling of producer milk historically associated with Order 50.

Accordingly, it may be appropriate to suspend the aforesaid provision for an indefinite period beginning April 1, 1995.

List of Subjects in 7 CFR Part 1050

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: March 17, 1995

Lon Hatamiya,

Administrator.

[FR Doc. 95-7105 Filed 3-22-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H-049]

RIN 1218-0099

Respiratory Protection; Proposed Rule

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of date for filing of testimony and evidence before the public hearing.

SUMMARY: By this document the Occupational Safety and Health Administration (OSHA) is extending the date for submitting the text of testimony and documentary evidence for those who intend to testify at the public hearings from April 14, 1995 to May 15, 1995, in order to provide additional time for the preparation of testimony for the hearings.

DATES: Testimony and evidence to be submitted at the hearings must be postmarked on or before May 15, 1995. Comments must be postmarked on or before April 14, 1995. The hearing will begin at 9:30 a.m., Tuesday, June 6, 1995 in Washington, DC.

ADDRESSES: Testimony and documentary evidence are to be submitted in quadruplicate to: Mr. Thomas Hall, OSHA Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219-8615. Testimony and documentary evidence will be available for inspection and copying in the Docket Office, Room N2625 at the above address.

Written comments should be submitted in quadruplicate or 1 original (hardcopy) and 1 disk (5¼ or 3½) in WordPerfect 5.0, 5.1, 6.0 or ASCII to: Docket Office, Docket H-49, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, N.W. Washington, D.C. 20210; (202) 219-7894. Any information not contained on disk, e.g., studies, articles, etc., must be submitted in quadruplicate.

The hearing will be held in the auditorium of the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Proposal: Mr. Richard Liblong, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200

Constitution Avenue, N.W., Room N3647, Washington, D.C. 20210; (202) 219-8151.

Hearings: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N3649, Washington, D.C. 20210; (202) 219-8615.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, OSHA published a notice of proposed rulemaking on its respiratory protection standard (59 FR 58884 *et seq.*). The proposal is intended to update the current respirator standard to reflect changes in methodology, technology, and approach related to respiratory protection that have occurred since the existing respiratory protection standard was adopted in 1971.

A notice of the extension of the comment period and the rescheduling of the public hearing was published on January 20, 1995 (60 FR 4132 *et seq.*). This notice extended the public comment period for the proposal to April 14, 1995. The date for submitting a notice of intention to appear at the hearing to testify was extended to March 31, 1995. The public hearings were rescheduled to start on June 6, 1995.

Extension of Date for Submitting Testimony and Evidence Before the Hearing

Pursuant to section 6(b)(3) of the OSH Act, an opportunity to submit oral testimony concerning all issues raised by the proposed standard will be provided at an informal public hearing to be held in Washington, DC from June 6, 1995 and continuing until Friday, June 23. The hearing will commence at 9:30 a.m. on June 6, 1995, in the auditorium of the Frances Perkins Building, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, DC 20210.

All persons desiring to participate at the hearing must file in quadruplicate a notice of intention to appear, postmarked on or before March 31, 1995.

In addition to a notice of intention to appear, any party requesting more than ten (10) minutes for a presentation, or who will submit documentary evidence, must provide in quadruplicate the complete text of the testimony, including any documentary evidence to be presented. One copy shall not be stapled or bound and be suitable for copying. These materials must be provided to Mr. Thomas Hall, OSHA Division of Consumer Affairs at the