

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 959.236 is revised to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 959.236 Expenses and assessment rate.

Expenses of \$585,250 by the South Texas Onion Committee are authorized and an assessment rate of \$0.10 per 50-pound container or equivalent of onions is established for the fiscal period ending July 31, 1996. Unexpended funds may be carried over as a reserve.

Dated: December 6, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-30232 Filed 12-11-95; 8:45 am]

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7 CFR Part 1004

[Docket No. AO-160-A71; DA-93-30]

Milk in the Middle Atlantic Marketing Area; Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the suspension action (DA-95-24) issued on August 17, 1995, and published in the Federal Register on August 24, 1995 (60 FR 43953) in effect under the Middle Atlantic order through February 1996. The suspension is no longer needed because an amended order for that market became effective on December 1, 1995 (60 FR 55309).

EFFECTIVE DATE: December 12, 1995.

FOR FURTHER INFORMATION CONTACT:

Gino M. Tosi, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 690-1366.

SUPPLEMENTARY INFORMATION:**Background**

This correction ensures that a suspension scheduled to continue through February 1996 will be removed. The suspension was issued August 17, 1995, and published in the August 24, 1995, Federal Register (60 FR 43953). The provisions affected by the suspension (sections 1004.7 and 1004.12) have been amended, making the suspension unnecessary.

This document removes the suspension action (60 FR 43953) and

ensures that the Code of Federal Regulations will reflect only the amended language (and not the suspended language in the two aforementioned sections of the Middle Atlantic order).

Therefore, under the authority of 7 U.S.C. 601-674, the suspension of provisions of 7 CFR part 1004, published in the Federal Register on August 24, 1995 (60 FR 43953), is lifted effective December 12, 1995.

Dated: December 6, 1995.

Shirley R. Watkins,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95-30231 Filed 12-11-95; 8:45 am]

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7 CFR Part 1099

[DA-95-27]

Milk in the Paducah, KY, Marketing Area; Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document terminates the remaining administrative provisions of the Paducah, Kentucky, Federal milk marketing order (Order 99), effective upon publication in the Federal Register. All of the monthly operating provisions were terminated as of November 1, 1995, since the terms and provisions of the order no longer effectuated the declared policy of the Act.

EFFECTIVE DATE: December 22, 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 documents in this proceeding: Termination Order: Issued October 23, 1995; published October 31, 1995 (60 FR 55179).

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 terminates the remaining administrative provisions of the Paducah, Kentucky, order.

The Department is issuing this 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 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.

A comment period was not provided since there were no interested parties affected by the termination order.

It is hereby found and determined that § 1099.1 of the Paducah, Kentucky, order does not effectuate the declared policy of the Act.

Statement of Consideration

This rule terminates the remaining administrative provisions of the Paducah, Kentucky, Federal milk order. There currently are no handlers regulated under the Paducah, Kentucky, order. Turner Dairies, the one handler that was regulated under Order 99, became regulated under the Southeast order on September 1, 1995, because of its greater sales into that marketing area. Producers who ship their milk to Turner's Fulton, Kentucky, plant now have their milk pooled under the adjacent Southeast Federal milk order.

Since there were no plants regulated under the Paducah, Kentucky, order, all of the monthly operating provisions were terminated as of November 1, 1995. However, the termination order left intact certain administrative provisions that were embodied, by reference, in § 1099.1 of the order.