for 1994–95 (in parentheses) are: Equipment purchases, $2,000 ($3,000), FICA employer, $3,100 ($4,250), employee benefits (health and dental), $7,000 ($13,500), research, $48,500 ($80,000), and ($8,000) for contract outside labor, for which no funding was recommended this year.

The Committee also unanimously recommended an assessment rate of $0.10 per 50-pound bag or equivalent of Vidalia onions, the same as last year. This rate, when applied to anticipated shipments of 3,017,500 50-pound bags or equivalents of Vidalia onions, would yield $301,750. The Committee also anticipates shipments of 50,000 50-pound bags of previously unassessed Vidalia onions which have been in storage, which will yield an additional $5,000 in assessment income. This, along with $4,250 in interest income and $32,000 from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the Committee's authorized reserve as of September 15, 1995, amounted to over $173,000 and were within the maximum permitted by the order of three fiscal periods' expenses. However, at its September 21, 1995, meeting the Committee voted to refund $100,000 of this amount pro rata to handlers who paid assessments during the 1992–93, 1993–94, and 1994–95 fiscal periods. To determine each handler's proportionate share, the Committee plans to total the excess funds for each of these fiscal periods, divide this excess by the total assessments levied on all handlers during this period, and apply the resulting percentage to the assessments paid by each individual handler during the three-year period. Funds remaining in the reserve will be adequate for administrative operating expenses, if needed.

An interim final rule was published in the Federal Register on September 19, 1995 (60 FR 48361). That interim final rule added § 955.208 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through October 19, 1995. No comments were received.

While this rule will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995–96 fiscal period began on September 16, 1995. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period. In addition, handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and published in the Federal Register as an interim final rule.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

## PART 955—VIDALIA ONIONS GROWN IN GEORGIA

Accordingly, the interim final rule amending 7 CFR part 955 which was published at 60 FR 48361 on September 19, 1995, is adopted as a final rule without change.

Dated: December 6, 1995.

Sharon Bomer Lauritsen,

*Deputy Director, Fruit and Vegetable Division.*

[FR Doc. 95–30234 Filed 12–11–95; 8:45 am]

**BILLING CODE 3410–02–P**

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## 7 CFR Part 959

**[Docket No. FV95–959–2IFR; Amendment 1]**

## Onions Grown in South Texas; Increased Expenses and Establishment of Assessment Rate

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

**ACTION:** Amended interim final rule with request for comments.

**SUMMARY:** This interim final rule amends a previous interim final rule which authorized administrative expenses for the South Texas Onion Committee (Committee) under M.O. No. 959. This interim final rule increases the level of authorized expenses and establishes an assessment rate to generate funds to pay those expenses. Authorization of this increased budget enables the Committee to incur additional expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

**DATES:** Effective August 1, 1995, through July 31, 1996. Comments received by January 11, 1996 will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the office of the Docket Clerk during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, TX 78501, telephone 210–682–2833.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR part 959), regulating the handling of onions grown in South Texas, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This amended interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, South Texas onions are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable onions handled during the 1995–96 fiscal period, which began August 1, 1995, and ends July 31, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act 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 provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the 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 his or her 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.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 89 producers of South Texas onions under this marketing order, and approximately 35 handlers. Since the interim final rule was issued, information regarding an increase in the number of producers from approximately 70 to 89 was received. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The majority of South Texas onion producers and handlers may be classified as small entities.

The budget of expenses for the 1995–96 fiscal period was prepared by the South Texas Onion Committee, the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the Committee are producers and handlers of South Texas onions. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of South Texas onions. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

Committee administrative expenses of $239,250 for personnel, office, and compliance expenses were recommended in a mail vote. The assessment rate and funding for the research and promotion projects were to be recommended at a later Committee meeting. The Committee administrative expenses of $239,250 were published in the Federal Register as an interim final rule August 17, 1995 (60 FR 42774). That interim final rule added § 959.236, authorizing expenses for the Committee, and provided that interested persons could file comments through September 18, 1995. No comments were filed.

The Committee subsequently met on November 14, 1995, and unanimously recommended an increase of $1,000 for insurance in the recently approved 1995–96 budget. The Committee also unanimously recommended $246,000 for promotion and $99,000 for onion breeding research. Budget items for 1995–96 which have increased compared to those budgeted for 1994–95 (in parentheses) are: Manager's salary, $19,094 ($15,172), office salaries, $24,000 ($22,000), payroll taxes, $4,000 ($3,100), insurance, $8,000 ($6,250), rent and utilities, $6,500 ($5,000), supplies, $2,000 ($1,500), postage, $1,500 ($1,000), telephone and telegraph, $4,000 ($2,500), furniture and fixtures, $2,000 ($1,000), equipment rental and maintenance, $3,500 ($2,500), contingencies, $6,706 ($3,978), manager travel, $5,000 ($3,000), Canadian onion promotion, $5,000 ($4,450), $226,000 for the Thacker Group for promotion ($200,000), onion breeding research, $99,000 ($88,028), and $3,750 for deferred compensation (manager's retirement), and $5,000 for miscellaneous promotion expenses, which were not line item expenses last year. All other items are budgeted at last year's amounts.

The initial 1995–96 budget, published on August 17, 1995, did not establish an assessment rate. Therefore, by a vote of 11 to 1, the Committee also recommended an assessment rate of $0.10 per 50-pound container or equivalent of onions, $0.06 more than last year's assessment rate. The no vote came from a grower who thought increasing the assessment rate from $0.04 to $0.10 cents was too great an increase. This rate, when applied to anticipated shipments of approximately 6,000,000 million 50-pound containers or equivalents, will yield $600,000 in assessment income, which, will be adequate to cover budgeted expenses. Funds in the reserve as of October 31, 1995, were $408,314, which is within the maximum permitted by the order of two fiscal periods' expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period began on August 1, 1995, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable onions handled during the fiscal period; (3) handlers are aware of this action which was recommended by the Committee at a public meeting and is similar to that taken for the 1994–95 fiscal period; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

## List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

## 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]

**BILLING CODE 3410–02–P**

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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]

**BILLING CODE 3410–02–P**

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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.