

have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 fiscal period began on August 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable onions handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; 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 rule.

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. A new subpart titled "Assessment Rates" consisting of a new § 959.237 and a new subpart heading titled "Handling Regulations" are added immediately preceding § 959.322, to read as follows:

Note: This section will appear in the Code of Federal Regulations.

Subpart—Assessment Rates

§ 959.237 Assessment rate.

On and after August 1, 1996, an assessment rate of \$0.07 per 50-pound container or equivalent is established for South Texas onions.

Subpart—Handling Regulations

* * * * *

Dated: December 31, 1996.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97-282 Filed 1-6-97; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Parts 1011 and 1046

[Docket No. DA-96-15]

Milk in the Tennessee Valley and Louisville-Lexington-Evansville Marketing Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule, correction.

SUMMARY: The Agricultural Marketing Service is correcting FR Doc. 96-33000, published December 31, 1996, pertaining to the termination of base-excess payment plan provisions contained in five Federal milk marketing orders.

EFFECTIVE DATE: January 1, 1997.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Washington, DC 20090-6456, (202) 690-1932.

SUPPLEMENTARY INFORMATION: The final rule that is the subject of this correction inadvertently omitted regulatory language terminating the base-excess payment plan provisions of five Federal milk marketing orders.

Need for Correction

As published, the final rule contains errors in amendatory instructions 24 and 32 which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, amendatory instructions 24 and 32, respectively, as published on December 31, 1996 (61 FR 69018), are corrected as follows:

§ 1011.61 [Corrected]

24. In § 1011.61, paragraph (a) introductory text is amended by removing the words "of July through February", paragraph (a)(6) is amended by removing the words "for the months of July through February", paragraph (b) is removed, and the section heading is revised as follows:

§ 1046.61 [Corrected]

32. In § 1046.61, paragraph (a) introductory text is amended by removing the words "of July through February", paragraph (a)(6) is amended by removing the words "for the months of July through February", paragraph (b) is removed, and the section heading is revised to read as follows:

Dated: December 30, 1996.

Richard M. McKee,

Director, Dairy Division.

[FR Doc. 97-280 Filed 1-6-97; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1079

[DA-96-16]

Milk in the Iowa Marketing Area; Temporary Revision of Rule

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises certain provisions of the Iowa Federal milk marketing order for the months of December 1996 through March 1997. This action decreases the percentage of a supply plant's receipts that must be delivered to fluid milk plants to qualify a supply plant for pooling under the Iowa Federal milk order. The applicable percentage will be decreased 10 percentage points, from 30 percent to 20 percent, for the months of December 1996 through March 1997. The revision is being made in response to a request by a pool supply plant that is regulated under the Iowa order. This action is necessary to prevent the uneconomic shipment of milk.

EFFECTIVE DATES: Amendment 1 is effective January 8, 1997. Amendment 2 is effective December 1, 1996, through March 31, 1997.

FOR FURTHER INFORMATION CONTACT: Nicholas Memoli, Marketing Specialist, USDA/AMS/Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 690-1932, e-mail address Nicholas_X_Memoli@usda.gov.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Temporary Revision: Issued December 6, 1996; published December 12, 1996 (61 FR 65366).

The Department is issuing this final rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, 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 (the "Act"), 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 request modification or exemption from such order by filing 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 the law. 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