

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1011

[Docket No. DA-97-09]

#### Milk in the Tennessee Valley Marketing Area; Notice of Extension of Time for Filing Comments

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

**ACTION:** Proposed rule; extension of time for filing comments.

**SUMMARY:** This document extends the time for filing comments to the proposed termination for the Tennessee Valley Federal milk marketing order from July 10, 1997, to July 31, 1997. The Department issued the proposed termination in response to producer disapproval of the Tennessee Valley order as provided for in the May 12, 1997, final decision which proposes to amend transportation credit provisions in 4 southeastern milk orders. Southern Belle Dairy, a handler regulated under the Tennessee Valley milk order, requested the extension of time contending that the original comment period was too short to prepare a proper response.

**DATES:** Comments are now due on or before July 31, 1997.

**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, e-mail address Nicholas.Memoli@usda.gov.

#### SUPPLEMENTARY INFORMATION:

Prior documents in this proceeding:

*Notice of Proposed Termination:* Issued June 30, 1997; published July 3, 1997 (62 FR 36022).

Notice is hereby given that the time for filing comments to the proposed termination is hereby extended from July 10, 1997, to July 31, 1997.

Southern Belle Dairy requested the extension of time for comments arguing that the extension was necessary in order to have sufficient time to prepare a proper response to the proposed termination. Taking into consideration other obligations by interested parties, the Department contends that the additional time is reasonable and justified.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

#### List of Subjects in 7 CFR Part 1011

Milk marketing orders.

Dated: July 9, 1997.

**Lon Hatamiya,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 97-18393 Filed 7-11-97; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1137

[DA-97-02]

#### Milk in the Eastern Colorado Marketing Area; Termination of Proceeding on Proposed Suspension/Termination of Certain Provisions of the Order

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

**ACTION:** Proposed rule; termination of proceeding.

**SUMMARY:** This document terminates the proceeding that was initiated to consider a proposal to suspend or terminate a portion of the performance standard for regulating a distributing plant under the Eastern Colorado Federal milk marketing order. Currently, the order specifies that a distributing plant disposing of 10 percent or more of its Grade A milk receipts, or 12,000 pounds per day, whichever is less, as route disposition in the marketing area is a fully regulated distributing plant. Brown-Swiss Gillette Dairy, a handler

operating a distributing plant that is partially regulated under 3 Federal milk orders, requested the suspension or termination.

#### FOR FURTHER INFORMATION CONTACT:

Clifford M. Carman, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368, e-mail address:

Clifford\_M\_Carman@usda.gov.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding:

Notice of Proposed Suspension: Issued April 2, 1997; published April 8, 1997 (62 FR 16737).

#### Small Business Consideration

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agricultural Marketing Service has considered the economic impact of this action on small entities and has certified that this rule will not have a significant economic impact on a substantial number of small entities. For the purpose of the Regulatory Flexibility Act, a dairy farm is considered a "small business" if it has an annual gross revenue of less than \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. For the purposes of determining which dairy farms are "small businesses," the \$500,000 per year criterion was used to establish a production guideline of 326,000 pounds per month. Although this guideline does not factor in additional monies that may be received by dairy producers, it should be an inclusive standard for most "small" dairy farmers. For purposes of determining a handler's size, if the plant is part of a larger company operating multiple plants that collectively exceed the 500-employee limit, the plant will be considered a large business even if the local plant has fewer than 500 employees.

For the month of January 1997, the milk of 426 producers was pooled on the Eastern Colorado Federal milk order. Of these producers, 323 produced below the 326,000-pound production guideline and are considered as small businesses. A majority of these producers produce less than 100,000 pounds per month. Of the total number of producers whose milk was pooled during that month, 6 were non-member producers and 420 were members of either Mid-America