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 or termination of the following provisions of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered:

1. Section 1046.32(d).

2. In the heading of § 1046.61, the words "and uniform prices for base and excess milk"; in § 1046.61(a), the words "for each month" and "of July and February"; in § 1046.61(a)(5), the words "for each month", the "s" on the end of the word "months", and the words "for the months of July through February"; and § 1046.61(b) in its entirety.

3. In §§ 1046.62(b) and 1046.71(a)(2)(i), the letter "(s)" on the end of the word "prices".

4. In §1046.73(a), the last sentence.

5. In § 1046.73(b), the letter "(s)" on the end of the word "prices" and the words "or base milk and excess milk". 6. In §1046.73, paragraphs (d)(3) and (e)(3).

7. In § 1046.73(d)(4), the letter "(s)" on the end of the word "rate(s)".

8. In § 1046.73(d)(5), the letter ''(s)'' on the end of the word ''rate(s)'' wherever it appears.

9. In § 1046.75(a), the words "and the uniform price" and the word "base".

10. Sections 1046.90 through 1046.94. All persons who want to send written

data, views, or arguments about the proposed suspension/termination should send two copies of them to the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090–6456, by the 30th day after the publication of this notice in the **Federal Register**.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed rule would suspend or terminate the base-excess plan of the Louisville-Lexington-Evansville Federal milk marketing order (Order 46), effective September 1, 1995, the first month of the base-forming period. Holland Dairies, Inc. (Holland), a fully regulated distributing plant under Order 46 that procures its milk from over 100 nonmember producers and Associated Milk Producers, Inc., states that the Order's base-excess plan has created significant milk procurement problems in the area in recent years.

Holland claims that the base-excess plan limits its ability to obtain milk from new producers because these producers have no base. As a result, the handler states that it has been forced to purchase supplemental milk during the summer months from producers located outside the region at an additional cost.

According to Holland, the cooperatives in the southern Indiana area which compete with it for producers do not pay their memberproducers base and excess prices. Additionally, Holland states that the Indiana and Ohio Valley Federal milk orders, which border Order 46 to the north, do not contain a producer baseexcess plan. Holland contends that both of these factors place it at a competitive disadvantage in procuring milk and are unreasonable and detrimental to its long-term ability to retain nonmember producers.

Therefore, comments are sought to determine whether the aforementioned provisions should be suspended or terminated.

List of Subjects in 7 CFR Part 1046

Milk marketing orders.

The authority citation for 7 CFR Part 1046 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: June 9, 1995.

Lon Hatamiya,

Administrator. [FR Doc. 95–14694 Filed 6–14–95; 8:45 am] BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-CE-01-AD]

Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes

AGENCY: Federal Aviation Administration, DOT. ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Fairchild Aircraft SA226 and SA227 series airplanes. The proposed action would require installing foreign object damage (FOD) barriers in the floorboards of the cockpit between the pedestal and floor from Fuselage Station (FS) 79.38 to FS 88.06 and on the outboard forward edge of the left-hand and right-hand cockpit forward floorboards at FS 79.38. Two incidents of objects falling through openings of the cockpit floor and jamming the elevator controls and the yoke prompted the proposed action. The actions specified by the proposed AD are intended to prevent airplane flight control jammings caused by objects falling through the cockpit floor openings.

DATES: Comments must be received on or before August 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–CE–01– AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Fairchild Aircraft, P.O. Box 790490, San Antonio, Texas 78279–0490; telephone