

central Kentucky in competition with Armour and Southern Belle because its blend price in Nashville is no longer competitive with the Order 11 blend price.

While it is true that Purity's blend price under Order 7 and former¹ Order 98 (Nashville, Tennessee) was frequently close to or below the Order 11 blend price during the months of December 1993 through April 1994, data introduced into the record of the Charlotte hearing indicate that since May 1994 the Nashville-Springfield price relationship has returned to a more normal pattern, as shown in the Table 1.

TABLE 1.—COMPARISON OF BLEND PRICES: JANUARY 1992–NOVEMBER 1994 NASHVILLE, TN (ORDER 98/7)—SPRINGFIELD, KY (ORDER 11)

	Average blend price at Nashville, TN, under order 98/7	Average blend price at Springfield, KY, under order 11	Difference
1/92–11/93	13.85	13.58	.26
12/93–4/94	14.22	14.33	–.11
5/94–11/94	14.01	13.72	.28

If Purity has difficulty in attracting a milk supply, it should direct its concern to the open record for the proposed Southeast marketing area, which encompasses the Nashville area.

There was no testimony at the January 4 hearing in opposition to either the continuation of the current suspension or to the Southern Belle proposals, which, as noted above, effectively would allow Southern Belle, and therefore Armour, to be permanently regulated under Order 11.

Accordingly, it is necessary to suspend the aforesaid provisions from March 1, 1995, through February 28, 1996, or until such earlier time as an order amending the aforesaid orders is issued on the basis of the January 4, 1995, hearing record.

List of Subjects in 7 CFR Parts 1005, 1007, 1011, and 1046

Milk marketing orders.

For the reasons set forth in the preamble, the following provisions in Title 7, Parts 1005, 1007, 1011, and 1046, are amended as follows:

1. The authority citation for 7 CFR Part 1005, 1007, 1011, and 1046 continues to read as follows:

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

PART 1005—MILK IN THE CAROLINA MARKETING AREA

§ 1005.7 [Suspended in part]

2. In § 1005.7(d)(3), the words “from”, “there”, “a greater quantity of route disposition, except filled milk, during the month”, and “than in this marketing area” are suspended from March 1, 1995, through February 28, 1996;

PART 1007—MILK IN THE GEORGIA MARKETING AREA

§ 1007.7 [Suspended in part]

3. In § 1007.7(e)(3), the words “, except as provided in paragraph (e)(4) of this section,” are suspended from March 1, 1995, through February 28, 1996;

4. In § 1007.7, paragraph (e)(4) is suspended from March 1, 1995, through February 28, 1996;

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

§ 1011.7 [Amended]

5. In § 1011.7(d)(3), the words “from”, “there”, “a greater quantity of route disposition, except filled milk, during the month”, and “than in this marketing area” are suspended from March 1, 1995, through February 28, 1996; and

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

§ 1046.2 [Amended]

6. In § 1046.2 of the Louisville-Lexington-Evansville order, the word “Pulaski” is suspended from March 1, 1995, through February 28, 1996.

Dated: February 2, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–3143 Filed 2–7–95; 8:45 am]

BILLING CODE 3410–02-P

7 CFR Part 1050

[DA–95–09]

Milk in the Central Illinois Marketing Area; Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This document suspends the aggregate limits on the amount of producer milk that may be diverted from a pool plant under the Central Illinois Federal milk marketing order for

an indefinite period beginning with the month of January 1995. The proposal was submitted by Prairie Farms Dairy, Inc., and Associated Milk Producers, Inc. Both cooperatives contend the suspension is necessary to ensure that producers historically associated with the market will continue to have their milk pooled under the order without having to move milk uneconomically. **EFFECTIVE DATE:** February 8, 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 document in this proceeding:

Notice of Proposed Suspension: Issued December 28, 1994; published January 4, 1995 (60 FR 379).

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 lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this final 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 this 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 the law and requesting 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

¹ The Nashville, Tennessee, order was terminated effective July 31, 1993.