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.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act and of the order regulating the handling of milk in the Central Illinois marketing area.

Notice of proposed rulemaking was published in the **Federal Register** on January 4, 1995 (60 FR 379), concerning a proposed suspension of the aggregate diversion limits for a pool distributing plant regulated under Order 50. Interested persons were afforded opportunity to file written data, views and arguments thereon. No comments were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for an indefinite period beginning January 1, 1995, the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1050.13(d)(2), the words ": *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section".

Statement of Consideration

This rule suspends the aggregate limit on the amount of milk that may be diverted from a pool plant during the months of August through April. At the present time, for each day's production of a producer's milk that is delivered to a pool plant during these months, another day's production may be diverted to a nonpool plant. However, in addition to this individual producer limit, there is an aggregate limit of 35 percent that applies to the total amount of milk that a pool plant operator may divert during the month. The suspension removes this 35 percent aggregate limit, effectively increasing the aggregate limit to 50 percent of a pool plant operator's total producer receipts during the month.

In their letter requesting the suspension, Prairie Farms Dairy, Inc. (Prairie Farms) and the Morning Glory Farms region of Associated Milk Producers, Inc. (AMPI), explained that Prairie Farms now operates the only distributing plant under the Central Illinois order (Order 50) and that both cooperatives supply milk to this plant, which is located in Peoria. For several reasons, including the availability of abundant quantities of good quality feed, milk production is up substantially in recent months compared to the same period of last year. This has resulted in both cooperatives having to divert additional milk to nearby unregulated manufacturing plants on weekends, holidays, and other days when the Peoria plant is not in operation.

Prairie Farms and AMPI state that the suspension will allow them to continue to balance the supply of milk needed at the Peoria plant while at the same time eliminate the need to haul milk in and out of the plant merely to keep their milk pooled under the order.

Market statistics indicate that the average daily milk marketed per farm in the Central Illinois marketing area during August through November 1994 was about 300 pounds greater than for the same period in 1993. This increase in production, in conjunction with the single pool plant outlet available in this market, supports a suspension of the aggregate diversion limitations for an indefinite period so that producers whose milk has long been associated with the Central Illinois marketing area will continue to benefit from pooling and pricing under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) The suspension is necessary to reflect current marketing conditions and to assure orderly marketing conditions in the marketing area, in that such rule is necessary to permit the continued pooling of the milk of dairy farmers who have historically supplied the market without the need for making costly and inefficient movements of milk;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No comments were received.

Therefore, good cause exists for making this order effective less than 30 days from the date of publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1050

Milk marketing orders. For the reasons set forth in the preamble, the following provision in Title 7, Part 1050, is amended as follows:

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

1. The authority citation for 7 CFR Part 1050 continues to read as follows:

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

§1050.13 [Suspended in part]

Note: This amendment will not be published in the annual *Code of Federal Regulations.*

2. In § 1050.13(d)(2), the words ": *Provided*, That the total quantity of producer milk diverted does not exceed 35 percent of the physical receipts of producer milk at the handler's pool plant during the month, exclusive of milk of producers who are members of a cooperative association that is diverting milk and the milk of other producers that is diverted pursuant to paragraph (d)(3) of this section" are suspended for an indefinite period beginning January 1, 1995.

Dated: February 2, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs. [FR Doc. 95–3149 Filed 2–7–95; 8:45 am] BILLING CODE 3410–02–P

7 CFR Part 1212

[FV–93–707FR]

RIN 0581-AB19

Lime Research, Promotion, and Consumer Information Order; Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the Lime Research, Promotion, and Consumer Information Order. These amendments revise the definition of the term "lime" in order to cover seedless rather than seeded limes; increase the exemption level from less than 35,000 pounds annually to less than 200,000; alter the size, composition, and term of office of the Lime Board; and make necessary conforming changes. This document is necessary to implement amendments to the Lime Research, Promotion, and Consumer Information Act of 1990.

EFFECTIVE DATE: February 8, 1995. **ADDRESSES:** Richard Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456.