

# 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 Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126 and 1131**

[Docket Nos. AMS-DA-07-0026; AO-14-A77, et al.; DA-07-02]

#### Milk in the Northeast and Other Marketing Areas; Reconvening of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

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

**ACTION:** Proposed rule; notice of reconvened public hearing on proposed rulemaking.

**SUMMARY:** This notice announces the reconvening of the hearing which began on February 26, 2007, in Strongsville, Ohio, and initially reconvened on April 9, 2007, in Indianapolis, Indiana, to consider proposals to amend the Class III and Class IV product price formulas applicable to all Federal milk marketing orders.

**DATES:** The hearing will reconvene at 1 p.m. on Monday, July 9, 2007.

**ADDRESSES:** The reconvened hearing will be held at the Sheraton Station Square Hotel, 300 West Station Square Drive, Pittsburgh, Pennsylvania 15219-1122, telephone: (412) 261-2000.

**FOR FURTHER INFORMATION CONTACT:** Jack Rower, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231—Room 2971, 1400 Independence Avenue, Washington, DC 20250-0231, (202) 720-2357, e-mail address [jack.rower@usda.gov](mailto:jack.rower@usda.gov).

Persons requiring a sign language interpreter or other special accommodations should contact Paul Huber, Assistant Market Administrator, at (330) 225-4758; e-mail [phuber@fmmaclev.com](mailto:phuber@fmmaclev.com) before the hearing begins.

**SUPPLEMENTARY INFORMATION:**

#### Prior Documents in This Proceeding

*Notice of Hearing:* Issued February 5, 2007; published February 9, 2007 (72 FR 6179).

*Supplemental Hearing Notice:* Issued February 14, 2007; published February 20, 2007 (72 FR 7753).

*Initial Reconvened Hearing Notice:* Issued March 15, 2007; published March 21, 2007 (72 FR 13219).

Notice is hereby given that the hearing which was adjourned in Indianapolis, Indiana, April 9, 2007, by the Administrative Law Judge designated to hold said hearing and preside thereof, will reconvene in session at 1 p.m., July 9, 2007, at the Sheraton Station Square Hotel, 300 West Station Square Drive, Pittsburgh, Pennsylvania 15219. At the reconvened hearing, additional testimony will be received only on proposed amendments 1 through 20, listed in the hearing notice (72 FR 6179) and the supplemental hearing notice (72 FR 7753) to the tentative marketing agreements and to the orders regulating the handling of milk in the Northeast and other marketing areas.

**List of Subjects in 7 CFR Parts 1000, 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126 and 1131**

Milk marketing orders.

**Authority:** 7 U.S.C. 601-674, and 7253.

Dated: May 2, 2007.

**Lloyd C. Day,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 07-2283 Filed 5-7-07; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

**7 CFR Parts 1005, 1006 and 1007**

[AMS-DA-07-0059; AO-388-A22, AO-356-A43 and AO-366-A51; Docket No. DA-07-03]

#### Milk in the Appalachian, Florida and Southeast Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	AO Nos.
1005 .....	Appalachian ....	AO-388-A22

7 CFR Part	Marketing area	AO Nos.
1006 .....	Florida .....	AO-356-A43
1007 .....	Southeast .....	AO-366-A51

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

**ACTION:** Proposed rule; Notice of public hearing on proposed rulemaking.

**SUMMARY:** A public hearing is being held to consider proposals seeking to amend certain pooling and related provisions of the Appalachian, Florida and Southeast orders. Proposals include temporarily adjusting the Class I pricing surface for each county within each of the three milk marketing orders until such time that the Department is able to comprehensively address the Class I pricing surface on a national scale. Proposals also include changing the diversion percentage limits, the producer delivery days and the transportation credit provisions of the Appalachian and Southeast orders. Other proposals would change the maximum rates for each of the three orders the market administrator may charge for the expense of administration of the order from 5 cents per hundredweight (cwt) up to 8 cents per cwt. Testimony will be taken to determine if any of the proposals should be handled on an emergency basis.

**DATES:** The hearing will convene at 1 p.m. on Monday, May 21, 2007.

**ADDRESSES:** The hearing will be held at the Sheraton Suites Tampa Airport, 4400 W. Cypress Street, Tampa, FL 33607, (813) 873-8675.

**FOR FURTHER INFORMATION CONTACT:**

Gino M. Tosi, Associate Deputy Administrator, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231—Room 2971-A, 1400 Independence Avenue, SW., Washington, DC 20250-0231. [Gino.Tosi@usda.gov](mailto:Gino.Tosi@usda.gov).

Persons requiring a sign language interpreter or other special accommodations should contact Sue L. Mosley, Market Administrator, at (770) 682-2501; e-mail [smosley@fmmatlanta.com](mailto:smosley@fmmatlanta.com) before the hearing begins.

**SUPPLEMENTARY INFORMATION:** This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12866.

Notice is hereby given of a public hearing to be held at the Sheraton Suites Tampa Airport, 4400 W. Cypress Street, Tampa, FL 33607, (813) 873-8675, beginning at 1 p.m. on Monday, May, 21, 2007, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Appalachian, Florida, and Southeast marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR 900.12 (d)) with respect to any proposed amendments.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and information collection requirements are tailored to the size and nature of small businesses. For the purpose of the Act, a dairy farm is a "small business" if it has an annual gross revenue of less than \$750,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees (13 CFR 121.201). Most parties subject to a milk order are considered as a small business. Accordingly, interested parties are invited to present evidence on the probable regulatory and informational impact of the hearing proposals on small businesses. Also, parties may suggest modifications of these proposals for the purpose of tailoring their applicability to small businesses.

The amendments to the rules proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have a retroactive effect. If adopted, the proposed amendments would not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Agricultural Marketing Agreement Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15) (A) of the Act, any handler subject to an order may request modification or exemption from such order by filing with the Department of Agriculture (Department) 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 Department 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, has its principle place of business, has jurisdiction in equity to review the Department'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 public hearing is being conducted to collect evidence for the record concerning the effect on the orderly marketing of fluid milk by adjusting Class I differentials on a temporary basis for the Appalachian, Florida and Southeast marketing areas. Evidence will be taken to determine whether tighter pooling provisions and changes to the transportation credit provisions in the Appalachian and Southeast orders are warranted. Evidence will also be collected to consider increasing the maximum administrative assessment rates for the Appalachian, Florida and Southeast market administrators to 8 cents per hundredweight.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with (4) copies of such exhibits for the Official Record. Also, it would be helpful if additional copies are available for the use of other participants at the hearing.

#### **List of Subjects in 7 CFR Parts 1005, 1006 and 1007**

Milk marketing orders.

The authority citation for 7 CFR parts 1005, 1006 and 1007 read as follows:

**Authority:** 7 U.S.C. 601-674, and 7253.

The proposed amendments, as set forth below, have not received the approval of the Department.

#### **Proposed by Dairy Cooperative Marketing Association, Inc**

##### *Proposal No. 1*

This proposal would temporarily adjust the Class I pricing surface in each county within the geographical

marketing area of the Appalachian milk marketing order. Specifically, this proposal, on a temporary basis, would modify section 1005.51 of the Appalachian order by including a new provision, a "Class I price adjustment," which would be added to the Class I price "mover," and to the section 1000.52 Class I differential, to obtain the minimum Order Class I price. The proposed changes to the Class I prices for plant locations in the Appalachian milk marketing area would range from an increase of \$0.10 per cwt to an increase in \$1.00 per cwt.

Proposal 1 would also reduce the volume of milk which may be pooled by diversion on the Appalachian order. Specifically, the proposal would decrease the diversion percentages by 5 percent, from 40% to 35%, for the months of March through June and for the month of December. In addition, this proposal proposes that the producer delivery day requirements be amended in the Appalachian order. The current provisions in the Appalachian order require delivery to a pool plant of not less than 2 days' production in the months of January through June, and not less than 6 days' production in the months of July through December, in order for the producer's milk to be eligible for diversion to a nonpool plant. This proposal would allow a producer's milk to be diverted to a nonpool plant if that dairy farmer's milk is delivered to a pool plant one day per month, year around.

Proposal 1 would also amend the current transportation credit balancing fund provisions in the Appalachian order. Specifically, this proposal would: (1) Add the months of January and February to the months when transportation credits are paid, and retain June as an optional payment month based on industry request and market administrator determination of need, (2) pay transportation credits on the entire load of supplemental milk, rather than the current calculated Class I portion of the load, and (3) simplify the process for determination of which producers' milk is eligible for transportation credits as supplemental milk.

1. Amend § 1005.50 by revising paragraph (b) and (c) to read as follows:

#### **§ 1005.50 Class prices, component prices, and advanced pricing factors.**

\* \* \* \* \*

(b) Class I skim milk price. The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in § 1000.52 plus the adjustment to Class I prices specified in § 1005.51(b) plus the higher of the

advanced pricing factors computed in paragraph (q)(1) or (2) of this section.

(c) Class I butterfat price. The Class I butterfat price per pound shall be the adjusted Class I differential specified in § 1000.52 divided by 100, plus the adjustment to Class I prices specified in § 1005.51(b) divided by 100, plus the advanced butterfat price computed in paragraph (q)(3) of this section.

\* \* \* \* \*

2. Amend § 1005.51 by renaming the section, designating the first subsection as (a), amending the language, and adding a new subsection (b) to read as follows:

**§ 1005.51 Class I differential, adjustments to Class I prices, and Class I price.**

(a) The Class I differential shall be the differential established for Mecklenburg County, North Carolina, which is

reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1005.50(a) for Mecklenburg County, North Carolina.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1005.50(a), (b) and (c) using the following adjustments:

State	County/parish	FIPS	Class I price adjustment
GA	CATOOSA	13047	0.60
GA	CHATTOOGA	13055	0.60
GA	DADE	13083	0.60
GA	FANNIN	13111	0.60
GA	MURRAY	13213	0.60
GA	WALKER	13295	0.60
GA	WHITFIELD	13313	0.60
IN	CLARK	18019	0.10
IN	CRAWFORD	18025	0.10
IN	DAVISS	18027	0.10
IN	DUBOIS	18037	0.10
IN	FLOYD	18043	0.10
IN	GIBSON	18051	0.10
IN	GREENE	18055	0.10
IN	HARRISON	18061	0.10
IN	KNOX	18083	0.10
IN	MARTIN	18101	0.10
IN	ORANGE	18117	0.10
IN	PERRY	18123	0.10
IN	PIKE	18125	0.10
IN	POSEY	18129	0.10
IN	SCOTT	18143	0.10
IN	SPENCER	18147	0.10
IN	SULLIVAN	18153	0.10
IN	VANDEBURGH	18163	0.10
IN	WARRICK	18173	0.10
IN	WASHINGTON	18175	0.10
KY	ADAIR	21001	0.20
KY	ANDERSON	21005	0.40
KY	BATH	21011	0.40
KY	BELL	21013	0.50
KY	BOURBON	21017	0.40
KY	BOYLE	21021	0.40
KY	BREATHITT	21025	0.70
KY	BRECKINRIDGE	21027	0.10
KY	BULLITT	21029	0.10
KY	BUTLER	21031	0.20
KY	CARROLL	21041	0.10
KY	CARTER	21043	0.40
KY	CASEY	21045	0.20
KY	CLARK	21049	0.40
KY	CLAY	21051	0.50
KY	CLINTON	21053	0.50
KY	CUMBERLAND	21057	0.50
KY	DAVISS	21059	0.10
KY	EDMONSON	21061	0.20
KY	ELLIOTT	21063	0.40
KY	ESTILL	21065	0.40
KY	FAYETTE	21067	0.40
KY	FLEMING	21069	0.40
KY	FRANKLIN	21073	0.10
KY	GALLATIN	21077	0.10
KY	GARRARD	21079	0.40
KY	GRAYSON	21085	0.20
KY	GREEN	21087	0.20
KY	HANCOCK	21091	0.10
KY	HARDIN	21093	0.10
KY	HARLAN	21095	0.50
KY	HART	21099	0.20
KY	HENDERSON	21101	0.10

State	County/parish	FIPS	Class I price adjustment
KY	HENRY	21103	0.10
KY	HOPKINS	21107	0.20
KY	JACKSON	21109	0.70
KY	JEFFERSON	21111	0.10
KY	JESSAMINE	21113	0.40
KY	KNOTT	21119	0.50
KY	KNOX	21121	0.50
KY	LARUE	21123	0.40
KY	LAUREL	21125	0.50
KY	LEE	21129	0.40
KY	LESLIE	21131	0.50
KY	LETCHER	21133	0.50
KY	LINCOLN	21137	0.40
KY	MCCREARY	21147	0.50
KY	MCCLEAN	21149	0.40
KY	MADISON	21151	0.40
KY	MARION	21155	0.40
KY	MEADE	21163	0.10
KY	MENIFEE	21165	0.40
KY	MERCER	21167	0.40
KY	MONTGOMERY	21173	0.40
KY	MORGAN	21175	0.40
KY	MUHLENBURG	21177	0.20
KY	NELSON	21179	0.10
KY	NICHOLAS	21181	0.40
KY	OHIO	21183	0.20
KY	OLDHAM	21185	0.10
KY	OWEN	21187	0.10
KY	OWSLEY	21189	0.70
KY	PERRY	21193	0.50
KY	POWELL	21197	0.40
KY	PULASKI	21199	0.50
KY	ROCKCASTLE	21203	0.70
KY	ROWAN	21205	0.40
KY	RUSSELL	21207	0.50
KY	SCOTT	21209	0.10
KY	SHELBY	21211	0.10
KY	SPENCER	21215	0.10
KY	TAYLOR	21217	0.20
KY	TRIMBLE	21223	0.10
KY	UNION	21225	0.10
KY	WASHINGTON	21229	0.40
KY	WAYNE	21231	0.50
KY	WEBSTER	21233	0.20
KY	WHITLEY	21235	0.50
KY	WOLFE	21237	0.40
KY	WOODFORD	21239	0.40
NC	ALAMANCE	37001	0.30
NC	ALEXANDER	37003	0.45
NC	ALLEGHANY	37005	0.45
NC	ANSON	37007	0.50
NC	ASHE	37009	0.45
NC	AVERY	37011	0.45
NC	BEAUFORT	37013	0.40
NC	BERTIE	37015	0.20
NC	BLADEN	37017	0.70
NC	BRUNSWICK	37019	0.70
NC	BUNCOMBE	37021	0.45
NC	BURKE	37023	0.45
NC	CABARRUS	37025	0.30
NC	CALDWELL	37027	0.45
NC	CAMDEN	37029	0.20
NC	CARTERET	37031	0.40
NC	CASWELL	37033	0.30
NC	CATAWBA	37035	0.30
NC	CHATHAM	37037	0.30
NC	CHEROKEE	37039	0.45
NC	CHOWAN	37041	0.20
NC	CLAY	37043	0.45
NC	CLEVELAND	37045	0.30
NC	COLUMBUS	37047	0.70
NC	CRAVEN	37049	0.40
NC	CUMBERLAND	37051	0.30

State	County/parish	FIPS	Class I price adjustment
NC	CURRITUCK	37053	0.20
NC	DARE	37055	0.40
NC	DAVIDSON	37057	0.30
NC	DAVIE	37059	0.30
NC	DUPLIN	37061	0.30
NC	DURHAM	37063	0.30
NC	EDGECOMBE	37065	0.20
NC	FORSYTH	37067	0.30
NC	FRANKLIN	37069	0.30
NC	GASTON	37071	0.30
NC	GATES	37073	0.20
NC	GRAHAM	37075	0.45
NC	GRANVILLE	37077	0.30
NC	GREENE	37079	0.40
NC	GUILFORD	37081	0.30
NC	HALIFAX	37083	0.30
NC	HARNETT	37085	0.10
NC	HAYWOOD	37087	0.45
NC	HENDERSON	37089	0.45
NC	HERTFORD	37091	0.20
NC	HOKE	37093	0.30
NC	HYDE	37095	0.40
NC	IREDELL	37097	0.30
NC	JACKSON	37099	0.45
NC	JOHNSTON	37101	0.20
NC	JONES	37103	0.40
NC	LEE	37105	0.30
NC	LENOIR	37107	0.40
NC	LINCOLN	37109	0.30
NC	MCDOWELL	37111	0.45
NC	MACON	37113	0.45
NC	MADISON	37115	0.45
NC	MARTIN	37117	0.40
NC	MECKLENBURG	37119	0.30
NC	MITCHELL	37121	0.45
NC	MONTGOMERY	37123	0.30
NC	MOORE	37125	0.30
NC	NASH	37127	0.30
NC	NEW HANOVER	37129	0.70
NC	NORTHAMPTON	37131	0.30
NC	ONSLOW	37133	0.30
NC	ORANGE	37135	0.30
NC	PAMLICO	37137	0.40
NC	PASQUOTANK	37139	0.20
NC	PENDER	37141	0.70
NC	PERQUIMANS	37143	0.20
NC	PERSON	37145	0.30
NC	PITT	37147	0.40
NC	POLK	37149	0.30
NC	RANDOLPH	37151	0.30
NC	RICHMOND	37153	0.50
NC	ROBESON	37155	0.70
NC	ROCKINGHAM	37157	0.45
NC	ROWAN	37159	0.30
NC	RUTHERFORD	37161	0.30
NC	SAMPSON	37163	0.30
NC	SCOTLAND	37165	0.30
NC	STANLY	37167	0.30
NC	STOKES	37169	0.45
NC	SURRY	37171	0.45
NC	SWAIN	37173	0.45
NC	TRANSYLVANIA	37175	0.45
NC	TYRRELL	37177	0.40
NC	UNION	37179	0.50
NC	VANCE	37181	0.30
NC	WAKE	37183	0.30
NC	WARREN	37185	0.30
NC	WASHINGTON	37187	0.40
NC	WATAUGA	37189	0.45
NC	WAYNE	37191	0.40
NC	WILKES	37193	0.45
NC	WILSON	37195	0.20
NC	YADKIN	37197	0.30

State	County/parish	FIPS	Class I price adjustment
NC	YANCEY	37199	0.45
SC	ABBEVILLE	45001	0.50
SC	AIKEN	45003	0.70
SC	ALLENDALE	45005	1.00
SC	ANDERSON	45007	0.50
SC	BAMBERG	45009	0.70
SC	BARNWELL	45011	0.70
SC	BEAUFORT	45013	1.00
SC	BERKELEY	45015	1.00
SC	CALHOUN	45017	0.70
SC	CHARLESTON	45019	1.00
SC	CHEROKEE	45021	0.50
SC	CHESTER	45023	0.50
SC	CHESTERFIELD	45025	0.30
SC	CLARENDON	45027	0.70
SC	COLLETON	45029	1.00
SC	DARLINGTON	45031	0.70
SC	DILLON	45033	0.70
SC	DORCHESTER	45035	1.00
SC	EDGEFIELD	45037	0.30
SC	FAIRFIELD	45039	0.30
SC	FLORENCE	45041	0.70
SC	GEORGETOWN	45043	0.70
SC	GREENVILLE	45045	0.50
SC	GREENWOOD	45047	0.50
SC	HAMPTON	45049	1.00
SC	HORRY	45051	0.70
SC	JASPER	45053	1.00
SC	KERSHAW	45055	0.30
SC	LANCASTER	45057	0.50
SC	LAURENS	45059	0.50
SC	LEE	45061	0.70
SC	LEXINGTON	45063	0.70
SC	MCCORMICK	45065	0.50
SC	MARION	45067	0.70
SC	MARLBORO	45069	0.70
SC	NEWBERRY	45071	0.30
SC	OCONEE	45073	0.50
SC	ORANGEBURG	45075	0.70
SC	PICKENS	45077	0.50
SC	RICHLAND	45079	0.70
SC	SALUDA	45081	0.30
SC	SPARTANBURG	45083	0.50
SC	SUMTER	45085	0.70
SC	UNION	45087	0.50
SC	WILLIAMSBURG	45089	0.70
SC	YORK	45091	0.50
TN	ANDERSON	47001	0.40
TN	BLOUNT	47009	0.40
TN	BRADLEY	47011	0.60
TN	CAMPBELL	47013	0.40
TN	CARTER	47019	0.40
TN	CLAIBORNE	47025	0.40
TN	COCKE	47029	0.40
TN	CUMBERLAND	47035	0.40
TN	GRAINGER	47057	0.40
TN	GREENE	47059	0.40
TN	HAMBLÉN	47063	0.40
TN	HAMILTON	47065	0.60
TN	HANCOCK	47067	0.40
TN	HAWKINS	47073	0.40
TN	JEFFERSON	47089	0.40
TN	JOHNSON	47091	0.40
TN	KNOX	47093	0.40
TN	LOUDON	47105	0.40
TN	MCMINN	47107	0.60
TN	MARION	47115	0.60
TN	MEIGS	47121	0.60
TN	MONROE	47123	0.60
TN	MORGAN	47129	0.40
TN	POLK	47139	0.60
TN	RHEA	47143	0.40
TN	ROANE	47145	0.40

State	County/parish	FIPS	Class I price adjustment
TN	SCOTT	47151	0.10
TN	SEQUATCHIE	47153	0.40
TN	SEVIER	47155	0.40
TN	SULLIVAN	47163	0.40
TN	UNICOI	47171	0.40
TN	UNION	47173	0.40
TN	WASHINGTON	47179	0.40
VA	ALLEGHANY	51005	0.10
VA	AMHERST	51009	0.40
VA	AUGUSTA	51015	0.10
VA	BATH	51017	0.10
VA	BEDFORD	51019	0.40
VA	BLAND	51021	0.40
VA	BOTETOURT	51023	0.10
VA	BUCHANAN	51027	0.10
VA	CAMPBELL	51031	0.40
VA	CARROLL	51035	0.40
VA	CRAIG	51045	0.10
VA	DICKENSON	51051	0.40
VA	FLOYD	51063	0.40
VA	FRANKLIN	51067	0.40
VA	GILES	51071	0.10
VA	GRAYSON	51077	0.40
VA	HENRY	51089	0.40
VA	HIGHLAND	51091	0.10
VA	LEE	51105	0.40
VA	MONTGOMERY	51121	0.40
VA	PATRICK	51141	0.40
VA	PITTSYLVANIA	51143	0.40
VA	PULASKI	51155	0.40
VA	ROANOKE	51161	0.40
VA	ROCKBRIDGE	51163	0.10
VA	ROCKINGHAM	51165	0.10
VA	RUSSELL	51167	0.40
VA	SCOTT	51169	0.40
VA	SMYTH	51173	0.40
VA	TAZEWELL	51185	0.40
VA	WASHINGTON	51191	0.40
VA	WISE	51195	0.40
VA	WYTHE	51197	0.40
VA	BEDFORD CITY	51515	0.40
VA	BRISTOL CITY	51520	0.40
VA	BUENA VISTA CITY	51530	0.10
VA	CLIFTON FORGE CITY	51560	0.10
VA	COVINGTON CITY	51580	0.10
VA	DANVILLE CITY	51590	0.40
VA	GALAX CITY	51640	0.40
VA	HARRISONBURG CITY	51660	0.10
VA	LEXINGTON CITY	51678	0.10
VA	LYNCHBURG CITY	51680	0.40
VA	MARTINSVILLE CITY	51690	0.40
VA	NORTON CITY	51720	0.40
VA	RADFORD CITY	51750	0.40
VA	ROANOKE CITY	51770	0.40
VA	SALEM CITY	51775	0.40
VA	STAUNTON CITY	51790	0.10
VA	WAYNESBORO CITY	51820	0.10
WV	MCDOWELL	54047	0.10
WV	MERCER	54055	0.10

3. Amend § 1005.13 by revising paragraph (d)(1) through (4) to read as follows:

**§ 1005.13 Producer milk.**

\* \* \* \* \*

(d) \* \* \*

(1) In any month of July through December, not less than 1 days' production of the producer whose milk

is diverted is physically received at a pool plant during the month;

(2) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed

25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may

divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1005.7(d)) during the month, excluding the quantity of producer milk received from handler described in § 1000.9(c);

\* \* \* \* \*

4. Amend § 1005.81 by revising (a) to read as follows:

**§ 1005.81 Payments to the transportation credit balancing fund.**

(a) On or before the 12th day after the end of the month (except as provided in § 1009.90), each handler operating a pool plant and each handler specified in § 1000.9(c) shall pay to the Market Administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1005.44 by \$0.15 per hundredweight or such lesser amount as the Market Administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June-February period. In the event that during any month of the June-February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

\* \* \* \* \*

5. Amend § 1005.82 by revising paragraphs (a)(1), (b), (c)(1), (d)(2) (iii), (d)(3)(v), and redesignating paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv) to read as (c)(2)(i), (c)(2)(ii) and (c)(2)(iii) to read as follows:

\* \* \* \* \*

(a) \* \* \*

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the Market Administrator shall pay to each handler that received, and reported pursuant to § 1005.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this

section or that received, and reported pursuant to § 1005.30(a)(6), milk directly from producers' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments prorata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

\* \* \* \* \*

(4) \* \* \*

(b) The Market Administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the Market Administrator shall notify the Director of the Dairy Division and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) \* \* \*

(1) Bulk milk received from a plant regulated under another Federal order, except Federal Order 1007; and

(2) Bulk milk received directly from the farms of dairy farmers at pool distributing plants subject to the following conditions:

(i) The farmer was not a "producer" under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) The farm on which the milk was produced is not located within the specified marketing area of the order in this part or the marketing area of Federal Order 1007 (7 CFR part 1007).

(iii) The market administrator may increase or decrease the milk

production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) \* \* \*

(iii) Subtract the applicable Class I price specified in § 1005.51 for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(3) \* \* \*

(v) Subtract the Class I price specified in § 1005.51 applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

\* \* \* \* \*

**Proposed by Dairy Cooperative Marketing Association, Inc**

*Proposal No. 2*

This proposal would temporarily adjust the Class I pricing surface in each county within the geographical marketing area of the Southeast milk marketing order. Specifically, this proposal would, on a temporary basis, modify section 1007.51 of the Southeast order by including a new provision, a "Class I price adjustment," which would be added to the Class I price "mover," and to the section 1000.52 Class I differential, to obtain the minimum Order Class I price. The proposed changes to the Class I prices for plant locations in the Southeast milk marketing area would range from an increase of \$0.10 per cwt to an increase of \$1.15 per cwt.

Proposal 2 would also reduce the volume of milk which may be pooled by diversion on the Southeast order. Specifically, the proposal would decrease the current diversion percentages for each month, from 50% for the months of January through June and 33% for the months of July through December, to 25% for the months of January, February, and July through November, and to 35% for the months of March through June and the month of



December. In addition, this proposal proposes that the producer delivery day requirements be amended in the Southeast order. The current provisions in the Southeast order require delivery to a pool plant of not less than 4 days' production in the months of January through June, and not less than 10 days' production in the months of July through December, in order for the producer's milk to be eligible for diversion to a nonpool plant. This proposal would allow a producer's milk to be diverted to a nonpool plant if that dairy farmer's milk is delivered to a pool plant one day per month, year around.

Proposal 2 would also amend the current transportation credit balancing fund provisions in the Southeast order. Specifically, this proposal would: (1) Add the months of January and February to the months when transportation credits are paid, and retain June as an optional payment month based on industry request and market administrator determination of

need, (2) pay transportation credits on the entire load of supplemental milk, rather than the current calculated Class I portion of the load, (3) simplify the process for determination of which producers' milk is eligible for transportation credits as supplemental milk, and (4) increase the maximum transportation credit assessment in the Southeast order from the current \$0.20 per cwt to \$0.30 per cwt of Class I producer milk.

1. Amend § 1007.50 by revising paragraph (b) and (c) to read as follows:

**§ 1007.50 Class prices, component prices, and advanced pricing factors.**

\* \* \* \* \*

(b) Class I skim milk price. The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in § 1000.52 plus the adjustment to Class I prices specified in § 1007.51(b) plus the higher of the advanced pricing factors computed in paragraph (q)(1) or (2) of this section.

(c) Class I butterfat price. The Class I butterfat price per pound shall be the adjusted Class I differential specified in § 1000.52 divided by 100, plus the adjustment to Class I prices specified in § 1007.51(b) divided by 100, plus the advanced butterfat price computed in paragraph (q)(3) of this section.

\* \* \* \* \*

2. Amend § 1007.51 by renaming the section, designating the first subsection as (a), amending the language, and adding a new subsection (b) to read as follows:

**§ 1007.51 Class I differential, adjustments to Class I prices, and Class I price.**

(a) The Class I differential shall be the differential established for Fulton County, Georgia, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1007.50(a) for Fulton County, Georgia.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1007.50(a), (b) and (c) using the following adjustments:

State	County/Parish	FIPS	Class I price adjustment
AL	AUTAUGA	01001	0.50
AL	BALDWIN	01003	0.50
AL	BARBOUR	01005	0.55
AL	BIBB	01007	0.30
AL	BLOUNT	01009	0.20
AL	BULLOCK	01011	0.70
AL	BUTLER	01013	0.55
AL	CALHOUN	01015	0.30
AL	CHAMBERS	01017	0.70
AL	CHEROKEE	01019	0.30
AL	CHILTON	01021	0.70
AL	CHOCTAW	01023	0.50
AL	CLARKE	01025	0.35
AL	CLAY	01027	0.70
AL	CLEBURNE	01029	0.70
AL	COFFEE	01031	0.85
AL	COLBERT	01033	0.30
AL	CONECUH	01035	0.55
AL	COOSA	01037	0.70
AL	COVINGTON	01039	0.55
AL	CRENSHAW	01041	0.55
AL	CULLMAN	01043	0.20
AL	DALE	01045	0.85
AL	DALLAS	01047	0.50
AL	DE KALB	01049	0.40
AL	ELMORE	01051	0.50
AL	ESCAMBIA	01053	0.55
AL	ETOWAH	01055	0.30
AL	FAYETTE	01057	0.20
AL	FRANKLIN	01059	0.30
AL	GENEVA	01061	0.85
AL	GREENE	01063	0.30
AL	HALE	01065	0.30
AL	HENRY	01067	0.85
AL	HOUSTON	01069	0.85
AL	JACKSON	01071	0.40
AL	JEFFERSON	01073	0.30
AL	LAMAR	01075	0.20
AL	LAUDERDALE	01077	0.30
AL	LAWRENCE	01079	0.30
AL	LEE	01081	0.70
AL	LIMESTONE	01083	0.30

State	County/Parish	FIPS	Class I price adjustment
AL	LOWNDES	01085	0.70
AL	MACON	01087	0.70
AL	MADISON	01089	0.30
AL	MARENGO	01091	0.50
AL	MARION	01093	0.20
AL	MARSHALL	01095	0.40
AL	MOBILE	01097	0.50
AL	MONROE	01099	0.35
AL	MONTGOMERY	01101	0.70
AL	MORGAN	01103	0.30
AL	PERRY	01105	0.30
AL	PICKENS	01107	0.30
AL	PIKE	01109	0.55
AL	RANDOLPH	01111	0.70
AL	RUSSELL	01113	0.70
AL	SAINT CLAIR	01115	0.30
AL	SHELBY	01117	0.30
AL	SUMTER	01119	0.30
AL	TALLADEGA	01121	0.30
AL	TALLAPOOSA	01123	0.70
AL	TUSCALOOSA	01125	0.30
AL	WALKER	01127	0.20
AL	WASHINGTON	01129	0.35
AL	WILCOX	01131	0.50
AL	WINSTON	01133	0.20
AR	ARKANSAS	05001	0.00
AR	ASHLEY	05003	0.10
AR	BAXTER	05005	0.10
AR	BENTON	05007	0.10
AR	BOONE	05009	0.10
AR	BRADLEY	05011	0.30
AR	CALHOUN	05013	0.30
AR	CARROLL	05015	0.10
AR	CHICOT	05017	0.10
AR	CLARK	05019	0.00
AR	CLAY	05021	0.10
AR	CLEBURNE	05023	0.10
AR	CLEVELAND	05025	0.30
AR	COLUMBIA	05027	0.10
AR	CONWAY	05029	0.10
AR	CRAIGHEAD	05031	0.10
AR	CRAWFORD	05033	0.10
AR	CRITTENDEN	05035	0.10
AR	CROSS	05037	0.10
AR	DALLAS	05039	0.00
AR	DESHA	05041	0.30
AR	DREW	05043	0.30
AR	FAULKNER	05045	0.10
AR	FRANKLIN	05047	0.10
AR	FULTON	05049	0.10
AR	GARLAND	05051	0.10
AR	GRANT	05053	0.00
AR	GREENE	05055	0.10
AR	HEMPSTEAD	05057	0.30
AR	HOT SPRING	05059	0.00
AR	HOWARD	05061	0.00
AR	INDEPENDENCE	05063	0.10
AR	IZARD	05065	0.10
AR	JACKSON	05067	0.10
AR	JEFFERSON	05069	0.00
AR	JOHNSON	05071	0.10
AR	LAFAYETTE	05073	0.10
AR	LAWRENCE	05075	0.10
AR	LEE	05077	0.10
AR	LINCOLN	05079	0.30
AR	LITTLE RIVER	05081	0.30
AR	LOGAN	05083	0.10
AR	LONOKE	05085	0.10
AR	MADISON	05087	0.10
AR	MARION	05089	0.10
AR	MILLER	05091	0.10
AR	MISSISSIPPI	05093	0.30
AR	MONROE	05095	0.10

State	County/Parish	FIPS	Class I price adjustment
AR	MONTGOMERY	05097	0.10
AR	NEVADA	05099	0.30
AR	NEWTON	05101	0.10
AR	OUACHITA	05103	0.30
AR	PERRY	05105	0.10
AR	PHILLIPS	05107	0.00
AR	PIKE	05109	0.00
AR	POINSETT	05111	0.30
AR	POLK	05113	0.10
AR	POPE	05115	0.10
AR	PRAIRIE	05117	0.10
AR	PULASKI	05119	0.10
AR	RANDOLPH	05121	0.10
AR	SAINT FRANCIS	05123	0.10
AR	SALINE	05125	0.10
AR	SCOTT	05127	0.10
AR	SEARCY	05129	0.10
AR	SEBASTIAN	05131	0.10
AR	SEVIER	05133	0.00
AR	SHARP	05135	0.10
AR	STONE	05137	0.10
AR	UNION	05139	0.10
AR	VAN BUREN	05141	0.10
AR	WASHINGTON	05143	0.10
AR	WHITE	05145	0.10
AR	WOODRUFF	05147	0.10
AR	YELL	05149	0.10
FL	ESCAMBIA	12033	0.55
FL	OKALOOSA	12091	0.55
FL	SANTA ROSA	12113	0.55
FL	WALTON	12131	0.55
GA	APPLING	13001	1.15
GA	ATKINSON	13003	1.15
GA	BACON	13005	1.15
GA	BAKER	13007	0.85
GA	BALDWIN	13009	0.70
GA	BANKS	13011	0.70
GA	BARROW	13013	0.70
GA	BARTOW	13015	0.30
GA	BEN HILL	13017	1.15
GA	BERRIEN	13019	1.15
GA	BIBB	13021	0.70
GA	BLECKLEY	13023	1.00
GA	BRANTLEY	13025	1.15
GA	BROOKS	13027	1.15
GA	BRYAN	13029	1.15
GA	BULLOCH	13031	1.00
GA	BURKE	13033	0.70
GA	BUTTS	13035	0.70
GA	CALHOUN	13037	0.85
GA	CAMDEN	13039	1.15
GA	CANDLER	13043	1.00
GA	CARROLL	13045	0.70
GA	CHARLTON	13049	1.15
GA	CHATHAM	13051	1.15
GA	CHATTAHOOCHEE	13053	0.70
GA	CHEROKEE	13057	0.30
GA	CLARKE	13059	0.70
GA	CLAY	13061	0.85
GA	CLAYTON	13063	0.70
GA	CLINCH	13065	1.15
GA	COBB	13067	0.70
GA	COFFEE	13069	1.15
GA	COLQUITT	13071	1.15
GA	COLUMBIA	13073	0.70
GA	COOK	13075	1.15
GA	COWETA	13077	0.70
GA	CRAWFORD	13079	0.70
GA	CRISP	13081	0.85
GA	DAWSON	13085	0.30
GA	DECATUR	13087	1.15
GA	DE KALB	13089	0.70
GA	DODGE	13091	0.85

State	County/Parish	FIPS	Class I price adjustment
GA	DOOLY	13093	0.85
GA	DOUGHERTY	13095	0.85
GA	DOUGLAS	13097	0.70
GA	EARLY	13099	0.85
GA	ECHOLS	13101	1.15
GA	EFFINGHAM	13103	1.00
GA	ELBERT	13105	0.70
GA	EMANUEL	13107	1.00
GA	EVANS	13109	1.15
GA	FAYETTE	13113	0.70
GA	FLOYD	13115	0.30
GA	FORSYTH	13117	0.70
GA	FRANKLIN	13119	0.70
GA	FULTON	13121	0.70
GA	GILMER	13123	0.30
GA	GLASCOCK	13125	0.90
GA	GLYNN	13127	1.15
GA	GORDON	13129	0.30
GA	GRADY	13131	1.15
GA	GREENE	13133	0.70
GA	GWINNETT	13135	0.70
GA	HABERSHAM	13137	0.30
GA	HALL	13139	0.70
GA	HANCOCK	13141	0.70
GA	HARALSON	13143	0.70
GA	HARRIS	13145	0.70
GA	HART	13147	0.70
GA	HEARD	13149	0.70
GA	HENRY	13151	0.70
GA	HOUSTON	13153	0.70
GA	IRWIN	13155	1.15
GA	JACKSON	13157	0.70
GA	JASPER	13159	0.70
GA	JEFF DAVIS	13161	1.15
GA	JEFFERSON	13163	0.70
GA	JENKINS	13165	1.00
GA	JOHNSON	13167	1.00
GA	JONES	13169	0.70
GA	LAMAR	13171	0.70
GA	LANIER	13173	1.15
GA	LAURENS	13175	1.00
GA	LEE	13177	0.85
GA	LIBERTY	13179	1.15
GA	LINCOLN	13181	0.70
GA	LONG	13183	1.15
GA	LOWNDES	13185	1.15
GA	LUMPKIN	13187	0.30
GA	MCDUFFIE	13189	0.70
GA	MCINTOSH	13191	1.15
GA	MACON	13193	0.70
GA	MADISON	13195	0.70
GA	MARION	13197	0.70
GA	MERIWETHER	13199	0.70
GA	MILLER	13201	0.85
GA	MITCHELL	13205	1.15
GA	MONROE	13207	0.70
GA	MONTGOMERY	13209	1.15
GA	MORGAN	13211	0.70
GA	MUSCOGEE	13215	0.70
GA	NEWTON	13217	0.70
GA	OCONEE	13219	0.70
GA	OGLETHORPE	13221	0.70
GA	PAULDING	13223	0.70
GA	PEACH	13225	0.70
GA	PICKENS	13227	0.30
GA	PIERCE	13229	1.15
GA	PIKE	13231	0.70
GA	POLK	13233	0.70
GA	PULASKI	13235	0.85
GA	PUTNAM	13237	0.70
GA	QUITMAN	13239	0.85
GA	RABUN	13241	0.30
GA	RANDOLPH	13243	0.85

State	County/Parish	FIPS	Class I price adjustment
GA	RICHMOND	13245	0.70
GA	ROCKDALE	13247	0.70
GA	SCHLEY	13249	0.70
GA	SCREVEN	13251	1.00
GA	SEMINOLE	13253	1.15
GA	SPALDING	13255	0.70
GA	STEPHENS	13257	0.30
GA	STEWART	13259	0.55
GA	SUMTER	13261	0.85
GA	TALBOT	13263	0.70
GA	TALIAFERRO	13265	0.70
GA	TATTNALL	13267	1.15
GA	TAYLOR	13269	0.70
GA	TELFAIR	13271	1.15
GA	TERRELL	13273	0.85
GA	THOMAS	13275	1.15
GA	TIFT	13277	1.15
GA	TOOMBS	13279	1.15
GA	TOWNS	13281	0.30
GA	TREUTLEN	13283	1.00
GA	TROUP	13285	0.70
GA	TURNER	13287	0.85
GA	TWIGGS	13289	0.70
GA	UNION	13291	0.30
GA	UPSON	13293	0.70
GA	WALTON	13297	0.70
GA	WARE	13299	1.15
GA	WARREN	13301	0.70
GA	WASHINGTON	13303	0.70
GA	WAYNE	13305	1.15
GA	WEBSTER	13307	0.55
GA	WHEELER	13309	1.15
GA	WHITE	13311	0.30
GA	WILCOX	13315	0.85
GA	WILKES	13317	0.70
GA	WILKINSON	13319	0.70
GA	WORTH	13321	0.85
KY	ALLEN	21003	0.20
KY	BALLARD	21007	0.30
KY	BARREN	21009	0.20
KY	CALDWELL	21033	0.20
KY	CALLOWAY	21035	0.30
KY	CARLISLE	21039	0.30
KY	CHRISTIAN	21047	0.20
KY	CRITTENDEN	21055	0.20
KY	FULTON	21075	0.30
KY	GRAVES	21083	0.30
KY	HICKMAN	21105	0.30
KY	LIVINGSTON	21139	0.30
KY	LOGAN	21141	0.20
KY	LYON	21143	0.20
KY	MCCRACKEN	21145	0.30
KY	MARSHALL	21157	0.30
KY	METCALFE	21169	0.20
KY	MONROE	21171	0.50
KY	SIMPSON	21213	0.20
KY	TODD	21219	0.20
KY	TRIGG	21221	0.20
KY	WARREN	21227	0.20
LA	ACADIA	22001	0.30
LA	ALLEN	22003	0.30
LA	ASCENSION	22005	0.20
LA	ASSUMPTION	22007	0.20
LA	AVOUELLES	22009	0.00
LA	BEAUREGARD	22011	0.30
LA	BIENVILLE	22013	0.00
LA	BOSSIER	22015	0.10
LA	CADDO	22017	0.10
LA	CALCASIEU	22019	0.30
LA	CALDWELL	22021	0.00
LA	CAMERON	22023	0.20
LA	CATAHOULA	22025	0.00
LA	CLAIBORNE	22027	0.10

State	County/Parish	FIPS	Class I price adjustment
LA	CONCORDIA	22029	0.00
LA	DE SOTO	22031	0.00
LA	EAST BATON ROUGE	22033	0.20
LA	EAST CARROLL	22035	0.20
LA	EAST FELICIANA	22037	0.30
LA	EVANGELINE	22039	0.30
LA	FRANKLIN	22041	0.00
LA	GRANT	22043	0.00
LA	IBERIA	22045	0.20
LA	IBERVILLE	22047	0.20
LA	JACKSON	22049	0.00
LA	JEFFERSON	22051	0.20
LA	JEFFERSON DAVIS	22053	0.30
LA	LAFAYETTE	22055	0.20
LA	LAFOURCHE	22057	0.20
LA	LA SALLE	22059	0.00
LA	LINCOLN	22061	0.10
LA	LIVINGSTON	22063	0.20
LA	MADISON	22065	0.00
LA	MOREHOUSE	22067	0.10
LA	NATCHITOCHES	22069	0.00
LA	ORLEANS	22071	0.20
LA	OUACHITA	22073	0.10
LA	PLAQUEMINES	22075	0.20
LA	POINTE COUPEE	22077	0.30
LA	RAPIDES	22079	0.00
LA	RED RIVER	22081	0.00
LA	RICHLAND	22083	0.20
LA	SABINE	22085	0.00
LA	SAINT BERNARD	22087	0.20
LA	SAINT CHARLES	22089	0.20
LA	SAINT HELENA	22091	0.30
LA	SAINT JAMES	22093	0.20
LA	SAINT JOHN THE BAPTIST	22095	0.20
LA	SAINT LANDRY	22097	0.30
LA	SAINT MARTIN	22099	0.20
LA	SAINT MARY	22101	0.20
LA	SAINT TAMMANY	22103	0.30
LA	TANGIPAHOA	22105	0.20
LA	TENSAS	22107	0.00
LA	TERREBONNE	22109	0.20
LA	UNION	22111	0.10
LA	VERMILION	22113	0.20
LA	VERMILION	22113	0.20
LA	VERNON	22115	0.00
LA	WASHINGTON	22117	0.30
LA	WEBSTER	22119	0.10
LA	WEST BATON ROUGE	22121	0.20
LA	WEST CARROLL	22123	0.10
LA	WEST FELICIANA	22125	0.30
LA	WINN	22127	0.00
MS	ADAMS	28001	0.00
MS	ALCORN	28003	0.30
MS	AMITE	28005	0.40
MS	ATTALA	28007	0.20
MS	BENTON	28009	0.30
MS	BOLIVAR	28011	0.10
MS	CALHOUN	28013	0.10
MS	CARROLL	28015	0.20
MS	CHICKASAW	28017	0.10
MS	CHOCTAW	28019	0.20
MS	CLAIBORNE	28021	0.10
MS	CLARKE	28023	0.50
MS	CLAY	28025	0.20
MS	COAHOMA	28027	0.30
MS	COPIAH	28029	0.10
MS	COVINGTON	28031	0.00
MS	DE SOTO	28033	0.00
MS	FORREST	28035	0.40
MS	FRANKLIN	28037	0.00
MS	GEORGE	28039	0.40
MS	GREENE	28041	0.40
MS	GRENADA	28043	0.10

State	County/Parish	FIPS	Class I price adjustment
MS	HANCOCK	28045	0.30
MS	HARRISON	28047	0.30
MS	HINDS	28049	0.00
MS	HOLMES	28051	0.20
MS	HUMPHREYS	28053	0.20
MS	ISSAQUENA	28055	0.20
MS	ITAWAMBA	28057	0.30
MS	JACKSON	28059	0.30
MS	JASPER	28061	0.10
MS	JEFFERSON	28063	0.00
MS	JEFFERSON DAVIS	28065	0.00
MS	JONES	28067	0.40
MS	KEMPER	28069	0.30
MS	LAFAYETTE	28071	0.30
MS	LAMAR	28073	0.40
MS	LAUDERDALE	28075	0.10
MS	LAWRENCE	28077	0.00
MS	LEAKE	28079	0.20
MS	LEE	28081	0.30
MS	LEFLORE	28083	0.10
MS	LINCOLN	28085	0.00
MS	LOWNDES	28087	0.20
MS	MADISON	28089	0.20
MS	MARION	28091	0.40
MS	MARSHALL	28093	0.00
MS	MONROE	28095	0.20
MS	MONTGOMERY	28097	0.20
MS	NESHOBA	28099	0.20
MS	NEWTON	28101	0.10
MS	NOXUBEE	28103	0.30
MS	OKTIBBEHA	28105	0.20
MS	PANOLA	28107	0.30
MS	PEARL RIVER	28109	0.40
MS	PERRY	28111	0.40
MS	PIKE	28113	0.40
MS	PONTOTOC	28115	0.30
MS	PRENTISS	28117	0.30
MS	QUITMAN	28119	0.30
MS	RANKIN	28121	0.10
MS	SCOTT	28123	0.10
MS	SHARKEY	28125	0.20
MS	SIMPSON	28127	0.10
MS	SMITH	28129	0.10
MS	STONE	28131	0.40
MS	SUNFLOWER	28133	0.10
MS	TALLAHATCHIE	28135	0.10
MS	TATE	28137	0.00
MS	TIPPAH	28139	0.30
MS	TISHOMINGO	28141	0.30
MS	TUNICA	28143	0.00
MS	UNION	28145	0.30
MS	WALTHALL	28147	0.40
MS	WARREN	28149	0.00
MS	WASHINGTON	28151	0.10
MS	WAYNE	28153	0.40
MS	WEBSTER	28155	0.20
MS	WILKINSON	28157	0.40
MS	WINSTON	28159	0.20
MS	YALOBUSHA	28161	0.10
MS	YAZOO	28163	0.20
MO	BARRY	29009	0.20
MO	BARTON	29011	0.20
MO	BOLLINGER	29017	0.20
MO	BUTLER	29023	0.20
MO	CAPE GIRARDEAU	29031	0.20
MO	CARTER	29035	0.20
MO	CEDAR	29039	0.20
MO	CHRISTIAN	29043	0.20
MO	CRAWFORD	29055	0.40
MO	DADE	29057	0.20
MO	DALLAS	29059	0.20
MO	DENT	29065	0.40
MO	DOUGLAS	29067	0.20

State	County/Parish	FIPS	Class I price adjustment
MO	DUNKLIN	29069	0.50
MO	GREENE	29077	0.20
MO	HOWELL	29091	0.20
MO	IRON	29093	0.40
MO	JASPER	29097	0.20
MO	LACLEDE	29105	0.20
MO	LAWRENCE	29109	0.20
MO	MCDONALD	29119	0.20
MO	MADISON	29123	0.20
MO	MISSISSIPPI	29133	0.50
MO	NEW MADRID	29143	0.50
MO	NEWTON	29145	0.20
MO	OREGON	29149	0.20
MO	OZARK	29153	0.20
MO	PEMISCOT	29155	0.50
MO	PERRY	29157	0.20
MO	POLK	29167	0.20
MO	REYNOLDS	29179	0.20
MO	RIPLEY	29181	0.20
MO	SAINT FRANCOIS	29187	0.40
MO	SCOTT	29201	0.20
MO	SHANNON	29203	0.20
MO	STODDARD	29207	0.20
MO	STONE	29209	0.20
MO	TANEY	29213	0.20
MO	TEXAS	29215	0.20
MO	VERNON	29217	0.20
MO	WASHINGTON	29221	0.40
MO	WAYNE	29223	0.20
MO	WEBSTER	29225	0.20
MO	WRIGHT	29229	0.20
TN	BEDFORD	47003	0.30
TN	BENTON	47005	0.30
TN	BLEDSE	47007	0.60
TN	CANNON	47015	0.30
TN	CARROLL	47017	0.10
TN	CHEATHAM	47021	0.30
TN	CHESTER	47023	0.10
TN	CLAY	47027	0.30
TN	COFFEE	47031	0.60
TN	CROCKETT	47033	0.30
TN	DAVIDSON	47037	0.30
TN	DECATUR	47039	0.30
TN	DE KALB	47041	0.30
TN	DICKSON	47043	0.30
TN	DYER	47045	0.10
TN	FAYETTE	47047	0.10
TN	FENTRESS	47049	0.30
TN	FRANKLIN	47051	0.40
TN	GIBSON	47053	0.10
TN	GILES	47055	0.40
TN	GRUNDY	47061	0.60
TN	HARDEMAN	47069	0.10
TN	HARDIN	47071	0.10
TN	HAYWOOD	47075	0.30
TN	HENDERSON	47077	0.30
TN	HENRY	47079	0.10
TN	HICKMAN	47081	0.30
TN	HOUSTON	47083	0.30
TN	HUMPHREYS	47085	0.30
TN	JACKSON	47087	0.30
TN	LAKE	47095	0.10
TN	LAUDERDALE	47097	0.30
TN	LAWRENCE	47099	0.40
TN	LEWIS	47101	0.30
TN	LINCOLN	47103	0.40
TN	MCNAIRY	47109	0.10
TN	MACON	47111	0.30
TN	MADISON	47113	0.30
TN	MARSHALL	47117	0.30
TN	MAURY	47119	0.30
TN	MONTGOMERY	47125	0.30
TN	MOORE	47127	0.40



State	County/Parish	FIPS	Class I price adjustment
TN	OBION	47131	0.10
TN	OVERTON	47133	0.30
TN	PERRY	47135	0.30
TN	PICKETT	47137	0.30
TN	PUTNAM	47141	0.30
TN	ROBERTSON	47147	0.30
TN	RUTHERFORD	47149	0.30
TN	SHELBY	47157	0.10
TN	SMITH	47159	0.30
TN	STEWART	47161	0.30
TN	SUMNER	47165	0.30
TN	TIPTON	47167	0.10
TN	TROUSDALE	47169	0.30
TN	VAN BUREN	47175	0.60
TN	WARREN	47177	0.60
TN	WAYNE	47181	0.40
TN	WEAKLEY	47183	0.10
TN	WHITE	47185	0.30
TN	WILLIAMSON	47187	0.30
TN	WILSON	47189	0.30

3. Amend § 1007.13 by revising paragraph (d) (1) through (4) to read as follows:

**§ 1007.13 Producer milk.**

\* \* \* \* \*

(d) \* \* \*

(1) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of July through December, not less than 1 days' production of the producer whose milk diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1007.7 (e)) during the month, excluding the quantity of

producer milk received from a handler described in § 1000.9 (c);

\* \* \* \* \*

4. Amend § 1007.81 by revising (a) to read as follows:

**§ 1007.81 Payments to the transportation credit balancing fund.**

(a) On or before the 12th day after the end of the month (except as provided in § 1000.90), each handler operating a pool plant and each handler specified in § 1000.9 (c) shall pay to the market administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1007.44 by \$0.30 per hundredweight or such lesser amount as the market administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June-February period to reflect any changes in the current mileage rate versus the mileage rate(s) in effect during the prior June-February period. In the event that during any month of the June-February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

\* \* \* \* \*

5. Amend § 1007.82 by revising paragraphs (a)(1), (b), (c)(1), (d)(2) (iii), (d)(3)(v), and redesignating paragraphs (c)(2)(ii), (c)(2)(iii), (c)(2)(iv) to read as (c)(2)(i), (c)(2)(ii) and (c)(2)(iii) to read as follows:

**§ 1007.82 [Amended]**

\* \* \* \* \*

(a) \* \* \*

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1007.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this section or that received, and reported pursuant to § 1007.30(a)(6), milk directly from producers' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments pro rata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

\* \* \* \* \*

(4) \* \* \*

(b) The Market Administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that

such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the Market Administrator shall notify the Director of the Dairy Division and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) \* \* \*

(1) Bulk milk received from a plant regulated under another Federal order, except Federal Order 1005; and

(2) Bulk milk received directly from the farms of dairy farmers at pool distributing plants subject to the following conditions:

(i) The farmer was not a "producer" under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) The farm on which the milk was produced is not located within the specified marketing area of the order in this part or the marketing area of Federal Order 1005 (7 CFR part 1005).

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the

revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) \* \* \*

(iii) Subtract the applicable Class I price specified in § 1007.51 for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(3) \* \* \*

(v) Subtract the Class I price specified in § 1007.51 applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

\* \* \* \* \*

**Proposed by Dairy Cooperative Marketing Association, Inc.**

*Proposal No. 3*

This proposal would temporarily adjust the Class I pricing surface in each county within the geographical marketing area of the Florida milk marketing order. Specifically, this proposal would, on a temporary basis, modify section 1006.51 of the Florida order by including a new provision, a "Class I price adjustment," which would be added to the Class I price "mover," and to the section 1000.52 Class I differential, to obtain the minimum Order Class I price. Proposed changes to the Class I prices for plant

locations in the Florida order would range from an increase of \$1.30 per cwt to an increase of \$1.70 per cwt.

1. Amend § 1006.50 by revising paragraph (b) and (c) to read as follows:

**§ 1006.50 Class prices, component prices, and advanced pricing factors.**

\* \* \* \* \*

(b) Class I skim milk price. The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in § 1000.52 plus the adjustment to Class I prices specified in § 1006.51 (b) plus the higher of the advanced pricing factors computed in paragraph (q) (1) or (2) of this section.

(c) Class I butterfat price. The Class I butterfat price per pound shall be the adjusted Class I differential specified in § 1000.52 divided by 100, plus the adjustment to Class I prices specified in § 1006.51(b) divided by 100, plus the advanced butterfat price computed in paragraph (q) (3) of this section.

\* \* \* \* \*

2. Amend § 1006.51 by renaming the section, designating the first subsection as (a), amending the language, and adding a new subsection (b) to read as follows:

**§ 1006.51 Class I differential, adjustments to Class I prices, and Class I price.**

(a) The Class I differential shall be the differential established for Hillsborough County, Florida, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1006.50 (a) for Hillsborough County, Florida.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1006.50 (a), (b) and (c) using the following adjustments:

State	County/parish	FIPS	Class I price adjustment
FL	ALACHUA	12001	1.30
FL	BAKER	12003	1.30
FL	BAY	12005	0.60
FL	BRADFORD	12007	1.30
FL	BREVARD	12009	1.40
FL	BROWARD	12011	1.70
FL	CALHOUN	12013	0.60
FL	CHARLOTTE	12015	1.50
FL	CITRUS	12017	1.40
FL	CLAY	12019	1.30
FL	COLLIER	12021	1.70
FL	COLUMBIA	12023	1.30
FL	DADE	12025	1.70
FL	DE SOTO	12027	1.80
FL	DIXIE	12029	1.30
FL	DUVAL	12031	1.30
FL	FLAGLER	12035	1.00
FL	FRANKLIN	12037	0.90
FL	GADSDEN	12039	0.90
FL	GILCHRIST	12041	1.30
FL	GLADES	12043	1.50
FL	GULF	12045	0.90

State	County/parish	FIPS	Class I price adjustment
FL	HAMILTON	12047	1.30
FL	HARDEE	12049	1.80
FL	HENDRY	12051	1.70
FL	HERNANDO	12053	1.40
FL	HIGHLANDS	12055	1.80
FL	HILLSBOROUGH	12057	1.40
FL	HOLMES	12059	0.60
FL	INDIAN RIVER	12061	1.80
FL	JACKSON	12063	0.60
FL	JEFFERSON	12065	0.90
FL	LAFAYETTE	12067	1.30
FL	LAKE	12069	1.40
FL	LEE	12071	1.70
FL	LEON	12073	0.90
FL	LEVY	12075	1.00
FL	LIBERTY	12077	0.90
FL	MADISON	12079	1.30
FL	MANATEE	12081	1.80
FL	MARION	12083	1.00
FL	MARTIN	12085	1.50
FL	MONROE	12087	1.70
FL	NASSAU	12089	1.30
FL	OKEECHOBEE	12093	1.80
FL	ORANGE	12095	1.40
FL	OSCEOLA	12097	1.40
FL	PALM BEACH	12099	1.70
FL	PASCO	12101	1.40
FL	PINELLAS	12103	1.40
FL	POLK	12105	1.40
FL	PUTNAM	12107	1.30
FL	SAINT JOHN'S	12109	1.30
FL	SAINT LUCIE	12111	1.80
FL	SARASOTA	12115	1.80
FL	SEMINOLE	12117	1.40
FL	SUMTER	12119	1.40
FL	SUWANNEE	12121	1.30
FL	TAYLOR	12123	1.30
FL	UNION	12125	1.30
FL	VOLUSIA	12127	1.40
FL	WAKULLA	12129	0.90
FL	WASHINGTON	12133	0.60

**Proposed by the Appalachian Market Administrator**

*Proposal No. 4*

This proposal seeks to increase the maximum administrative assessment from the current 5 cents per cwt to a maximum of 8 cents per cwt for the Appalachian milk marketing order.

Revise § 1005.85 to read as follows:

**§ 1005.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1005.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9 (c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9 (c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43 (d) and other source milk allocated to Class I pursuant to § 1000.44 (a) (3) and (8) and the corresponding steps of § 1000.44 (b), except other source milk that is excluded from the computations pursuant to § 1005.60 (h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to 1000.76 (a) (1) (i) and (ii)

**Proposed by the Southeast Market Administrator**

*Proposal No. 5*

This proposal seeks to increase the maximum administrative assessment from the current 5 cents per cwt to a

maximum of 8 cents per cwt for the Southeast milk marketing order.

Revise § 1007.85 to read as follows:

**§ 1007.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1007.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9 (c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9 (c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other

source milk allocated to Class I pursuant to § 1000.44(a)(3) and (8) and the corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § 1007.60 (h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to 1000.76 (a) (1) (i) and (ii)

**Proposed by the Florida Market Administrator**

*Proposal No. 6*

This proposal seeks to increase the maximum administrative assessment from the current 5 cents per cwt to a maximum of 8 cents per cwt for the Florida milk marketing order.

Revise § 1006.85 to read as follows:

**§ 1006.85 Assessment for order administration.**

On or before the payment receipt date specified under § 1006.71, each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler described in § 1000.9 (c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9 (c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43 (d) and other source milk allocated to Class I pursuant to § 1000.44 (a) (3) and (8) and the corresponding steps of § 1000.44 (b), except other source milk that is excluded from the computations pursuant to § 1006.60 (h) and (i); and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to 1000.76 (a) (1) (i) and (ii)

**Proposal by Dairy Programs, Agricultural Marketing Service**

*Proposal No. 7*

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator of the aforesaid

marketing areas, or from the Hearing Clerk, United States Department of Agriculture, Room 1083—STOP 9200, 1400 Independence Avenue, SW., Washington, DC 20250-9200, or may be inspected there.

Copies of the transcript of testimony taken at the hearing will not be available for distribution through the Hearing Clerk's Office. If you wish to purchase a copy, arrangements may be made with the reporter at the hearing.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decision-making process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding, the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture  
Office of the Administrator, Agricultural Marketing Service  
Office of the General Counsel  
Dairy Programs, Agricultural Marketing Service (Washington office) and the Offices of all Market Administrators.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Dated: May 3, 2007.

**Lloyd C. Day,**  
*Administrator, Agricultural Marketing Service.*

[FR Doc. E7-8802 Filed 5-7-07; 8:45 am]

**BILLING CODE 3410-02-P**

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 1210**

[Doc. No. AMS-FV-07-0038; FV-07-701]

**Watermelon Research and Promotion Plan; Assessment Increase**

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

**ACTION:** Proposed rule.

**SUMMARY:** This rule proposes to amend the Watermelon Research and Promotion Plan (Plan) to increase the assessment rate on producers, handlers, and importers of watermelons from four cents to six cents per hundredweight. Domestic producers and handlers would pay three cents per hundredweight each and importers would pay six cents per hundredweight. The increase is provided for under the Plan which is authorized by the Watermelon Research

and Promotion Act (Act). The National Watermelon Promotion Board (Board), which administers the Plan, recommended this action to sustain and expand their promotional, research, and communications programs.

**DATES:** Comments must be received by July 9, 2007.

**ADDRESSES:** Interested persons are invited to submit written comments on the internet at: <http://www.regulations.gov> or to the Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Room 0634-S, Stop 0244, 1400 Independence Avenue, SW., Washington, DC 20250-0244; fax: (202) 205-2800. All comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours or can be viewed at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Jeanette Palmer, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Room 0634, Stop 0244, Washington, DC 20250-0244; telephone: (202) 720-9915; or fax: (202) 205-2800; or e-mail: [Jeanette.Palmer@usda.gov](mailto:Jeanette.Palmer@usda.gov).

**SUPPLEMENTARY INFORMATION:** This rule is issued under the Watermelon Research and Promotion Plan [7 CFR part 1210]. The Plan is authorized under the Watermelon Research and Promotion Act [7 U.S.C. 4901-4916].

**Executive Order 12866**

The Office of Management and Budget (OMB) has waived the review process required by Executive Order 12866 for this action.

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is not intended to have retroactive effect and will not affect or preempt any other State or Federal law authorizing promotion or research relating to an agricultural commodity.

The Act allows producers, handlers, and importers subject to the Plan to file a written petition with the Secretary of Agriculture (Secretary) if they believe that the Plan, any provision of the Plan, or any obligation imposed in connection with the Plan, is not in accordance with the law. In any petition, the person may request a modification of the Plan or an exemption from the Plan. The petitioner will have the opportunity for a hearing on the petition. Afterwards, an