

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1106, 1108, 1124, 1126, 1131, 1134, 1135, 1137, 1138, and 1139

[Docket Nos. AO-14-A67, etc.; DA-94-02]

Milk in the New England and Other Marketing Areas; Order Amending the Orders

7 CFR part	Marketing area	AO Nos.
1001	New England	AO-14-A67
1002	New York-New Jersey.	AO-71-A82
1004	Middle Atlantic	AO-160-A70
1005	Carolina	AO-388-A7
1006	Upper Florida	AO-356-A31
1007	Georgia	AO-366-A37
1011	Tennessee Valley ...	AO-251-A38
1012	Tampa Bay	AO-347-A34
1013	Southeastern Florida	AO-286-A41
1030	Chicago Regional ...	AO-361-A32
1032	Southern Illinois-Eastern Missouri.	AO-313-A41
1033	Ohio Valley	AO-166-A64
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A59
1040	Southern Michigan ..	AO-225-A46
1044	Michigan Upper Peninsula.	AO-299-A29
1046	Louisville-Lexington-Evansville.	AO-123-A65
1049	Indiana	AO-319-A42
1050	Central Illinois	AO-355-A29
1064	Greater Kansas City	AO-23-A62
1065	Nebraska-Western Iowa.	AO-86-A51
1068	Upper Midwest	AO-178-A49
1075	Black Hills, South Dakota.	AO-248-A23
1076	Eastern South Dakota.	AO-260-A33
1079	Iowa	AO-295-A45
1093	Alabama-West Florida.	AO-386-A15
1094	New Orleans-Mississippi.	AO-103-A57
1096	Greater Louisiana ...	AO-257-A44
1106	Southwest Plains	AO-210-A55
1108	Central Arkansas	AO-243-A47
1124	Pacific Northwest	AO-368-A23
1126	Texas	AO-231-A63
1131	Central Arizona	AO-271-A33
1134	Western Colorado ...	AO-301-A24
1135	Southwestern Idaho-Eastern Oregon.	AO-380-A13
1137	Eastern Colorado	AO-326-A28
1138	New Mexico-West Texas.	AO-335-A39
1139	Great Basin	AO-309-A33

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final action provides a new formula to price Class II milk under 37 Federal orders. The Class II milk price will be calculated by adding a fixed differential of 30 cents to the basic formula price for the second preceding month. The Class II price will, like the Class I price in all Federal orders, be announced on or before the fifth day of the month and apply to milk marketed during the following month. This action also will eliminate the "add-back" provision which requires that the difference between the Class II price and the Class III price be added to the subsequent month's Class II price when the Class II price for the month falls below the Class III price.

Each of the amended orders was approved by producers who were eligible to have their milk pooled during the representative month for voting purposes. Referenda were conducted in six markets and cooperative associations were polled in the other markets. One order that was included in this proceeding—Paducah, Kentucky—is not included in this final rule. For Paducah, Kentucky, a referendum was conducted and a sufficient number of producers did not approve the issuance of the proposed amended order.

EFFECTIVE DATE: March 1, 1995.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456. (202) 690-1366.

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.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a final 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. The amended orders will promote more orderly marketing of milk by producers and regulated handlers.

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have a retroactive effect. This action 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 provision of the order, or any obligation imposed in connection with the order is not in accordance with the law and requesting a modification of the 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.

Prior documents in this proceeding: Notice of Hearing: Issued December 14, 1993; published December 21, 1993 (58 FR 67380).

Recommended Decision: Issued August 22, 1994; published August 26, 1994 (59 FR 44074).

Final Decision: Issued December 2, 1994; published December 14, 1994 (59 FR 64524).

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when each of the aforesaid orders was first issued and when each was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) Findings upon the basis of the hearing record. 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, for each of the specified orders, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area; and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing was held.

(b) Determinations. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the specified marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending each of the specified orders is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except the order regulating the handling of milk in the Michigan Upper Peninsula marketing area, is favored by at least two-thirds of the producers who were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the order regulating the handling of milk in the Michigan Upper Peninsula marketing area is favored by at least three-fourths of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1106, 1108, 1124, 1126, 1131, 1134, 1135, 1137, 1138, and 1139

Milk marketing orders.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the

handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby further amended, as follows:

The authority citation for 7 CFR Parts 1001 through 1139 continues to read as follows:

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

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

§ 1001.21 [Removed and Reserved]

1. Section 1001.21 is removed and reserved.
2. Section 1001.50 is amended by revising paragraph (b) to read as follows:

§ 1001.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1001.51 is amended by revising the section heading, removing the paragraph designation “(a)” without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1001.51 Basic formula price.

* * * * *

4. Section 1001.54 is revised to read as follows:

§ 1001.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I and Class II prices for the following month, and the Class III and Class III–A prices for the preceding month.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

§ 1002.19 [Removed and Reserved]

1. Section 1002.19 is removed and reserved.
2. Section 1002.50 is amended by revising paragraph (c) to read as follows:

§ 1002.50 Class prices.

* * * * *

(c) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1002.51 is amended by revising the section heading, removing the paragraph designation “(a)” without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1002.51 Basic formula price.

* * * * *

4. Section 1002.56 is amended by revising the introductory text, removing the introductory text of paragraph (a), redesignating paragraph (a)(1) as paragraph (a), revising paragraph (b), redesignating paragraph (a)(2) as paragraph (c), redesignating paragraph (a)(3) as paragraph (d), redesignating paragraph (a)(4) as paragraph (e), redesignating paragraph (a)(5) as paragraph (f), and redesignating paragraph (a)(6) as paragraph (g), to read as follows:

§ 1002.56 Announcement of class prices and butterfat differential.

The market administrator shall announce publicly on or before the fifth day of each month, the following:

* * * * *

(b) The Class II price for the following month applicable at the 201–210 mile zone and at the 1–10 mile zone.

* * * * *

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

§ 1004.21 [Removed and Reserved]

1. Section 1004.21 is removed and reserved.
2. Section 1004.50 is amended by revising paragraph (b) to read as follows:

§ 1004.50 Class and component prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1004.51 is amended by revising the section heading, removing the paragraph designation “(a)” without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1004.51 Basic formula price.

* * * * *

4. Section 1004.53 is amended by revising the introductory text, removing the introductory text of paragraph (a), redesignating paragraph (a)(1) as paragraph (a), revising paragraph (b), redesignating paragraph (a)(2) as paragraph (c), and redesignating paragraph (a)(3) as paragraph (d) to read as follows:

§ 1004.53 Announcement of class prices and component prices.

The market administrator shall announce publicly on or before the fifth day of each month, the following:

* * * * *

(b) The Class II price for the following month;
* * * * *

PART 1005—MILK IN THE CAROLINA MARKETING AREA

§ 1005.20 [Removed]

- 1. Section 1005.20 is removed.
2. Section 1005.50 is amended by revising paragraph (b) to read as follows:

§ 1005.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1005.52 [Removed and Reserved]

- 3. Section 1005.52 is removed and reserved.
4. Section 1005.54 is revised to read as follows:

§ 1005.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

§ 1006.19 [Removed and Reserved]

- 1. Section 1006.19 is removed and reserved.
2. Section 1006.50 is amended by revising paragraph (b) to read as follows:

§ 1006.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1006.51a [Removed]

- 3. Section 1006.51a is removed.
4. Section 1006.53 is revised to read as follows:

§ 1006.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

§ 1007.20 [Removed and Reserved]

- 1. Section 1007.20 is removed and reserved.
2. Section 1007.50 is amended by revising paragraph (b) to read as follows:

§ 1007.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1007.51a [Removed]

- 3. Section 1007.51a is removed.
4. Section 1007.53 is revised to read as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

§ 1011.20 [Removed]

- 1. Section 1011.20 is removed.
2. Section 1011.50 is amended by revising paragraph (b) to read as follows:

§ 1011.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1011.51a [Removed]

- 3. Section 1011.51a is removed.
4. Section 1011.53 is revised to read as follows:

§ 1011.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A price for the preceding month.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

§ 1012.19 [Removed and Reserved]

- 1. Section 1012.19 is removed and reserved.
2. Section 1012.50 is amended by revising paragraph (b) to read as follows:

§ 1012.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1012.51a [Removed]

- 3. Section 1012.51a is removed.
4. Section 1012.53 is revised to read as follows:

§ 1012.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

§ 1013.19 [Removed and Reserved]

- 1. Section 1013.19 is removed and reserved.
2. Section 1013.50 is amended by revising paragraph (b) to read as follows:

§ 1013.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1013.51a [Removed]

- 3. Section 1013.51a is removed.
4. Section 1013.53 is revised to read as follows:

§ 1013.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

§ 1030.20 [Removed and Reserved]

- 1. Section 1030.20 is removed and reserved.
2. Section 1030.50 is amended by revising paragraph (b) to read as follows:

§ 1030.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1030.51a [Removed]

- 3. Section 1030.51a is removed.
4. Section 1030.53 is revised to read as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1032—MILK IN THE SOUTHERN ILLINOIS-EASTERN MISSOURI MARKETING AREA

§ 1032.20 [Removed]

1. Section 1032.20 is removed.
2. Section 1032.50 is amended by revising paragraph (b) to read as follows:

§ 1032.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1032.51a [Removed]

3. Section 1032.51a is removed.
4. Section 1032.53 is revised to read as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

§ 1033.20 [Removed and Reserved]

1. Section 1033.20 is removed and reserved.
2. Section 1033.50 is amended by revising paragraph (b) to read as follows:

§ 1033.50 Class and component prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1033.51 is amended by revising the section heading, removing the paragraph designation "(a)" without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1033.51 Basic formula price.

* * * * *

4. Section 1033.53 is amended by revising the introductory text, removing the introductory text of paragraph (a), redesignating paragraph (a)(1) as paragraph (a), revising paragraph (b), redesignating paragraph (a)(2) as paragraph (c), redesignating paragraph (a)(3) as paragraph (d), redesignating paragraph (a)(4) as paragraph (e) and redesignating paragraph (a)(5) as paragraph (f), to read as follows:

§ 1033.53 Announcement of class and component prices.

The market administrator shall announce publicly on or before the fifth day of each month, the following:

* * * * *

(b) The Class II price for the following month;

* * * * *

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

§ 1036.20 [Removed and Reserved]

1. Section 1036.20 is removed and reserved.
2. Section 1036.50 is amended by revising paragraph (b) to read as follows:

§ 1036.50 Class and component prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1036.51a [Removed]

3. Section 1036.51a is removed.
4. Section 1036.53 is amended by revising the introductory text, removing the introductory text of paragraph (a), redesignating paragraph (a)(1) as paragraph (a), revising paragraph (b), redesignating paragraph (a)(2) as paragraph (c), redesignating paragraph (a)(3) as paragraph (d), redesignating paragraph (a)(4) as paragraph (e) and redesignating paragraph (a)(5) as paragraph (f), to read as follows:

§ 1036.53 Announcement of class and component prices.

The market administrator shall announce publicly on or before the fifth day of each month, the following:

* * * * *

(b) The Class II price for the following month;

* * * * *

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

§ 1040.21 [Removed]

1. Section 1040.21 is removed.
2. Section 1040.50 is amended by revising paragraph (b) to read as follows:

§ 1040.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1040.51a [Removed]

3. Section 1040.51a is removed.
4. Section 1040.53 is revised to read as follows:

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following

month, and the Class III and Class III-A prices for the preceding month.

PART 1044—MILK IN THE MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.20 [Removed and Reserved]

1. Section 1044.20 is removed and reserved.
2. Section 1044.22 is amended by revising paragraph (i)(1)(i) and removing paragraph (i)(3), to read as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1) * * *

(i) The Class I price and Class II price for the following month;

* * * * *

3. Section 1044.50 is amended by revising paragraph (b) to read as follows:

§ 1044.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

4. Section 1044.51 is amended by revising the section heading, removing the paragraph designation "(a)" without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1044.51 Basic formula price.

* * * * *

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

§ 1046.20 [Removed]

1. Section 1046.20 is removed.
2. Section 1046.50 is amended by revising paragraph (b) to read as follows:

§ 1046.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1046.51a [Removed]

3. Section 1046.51a is removed.
4. Section 1046.53 is revised to read as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1049—MILK IN THE INDIANA MARKETING AREA

§ 1049.20 [Removed]

- 1. Section 1049.20 is removed.
- 2. Section 1049.50 is amended by revising paragraph (b) to read as follows:

§ 1049.50 Class and component prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1049.51a [Removed]

- 3. Section 1049.51a is removed.
- 4. Section 1049.53 is amended by revising the introductory text, removing the introductory text of paragraph (a), redesignating paragraph (a)(1) as paragraph (a), revising paragraph (b), redesignating paragraph (a)(2) as paragraph (c), redesignating paragraph (a)(3) as paragraph (d), redesignating paragraph (a)(4) as paragraph (e) and redesignating paragraph (a)(5) as paragraph (f), to read as follows:

§ 1049.53 Announcement of class and component prices.

The market administrator shall announce publicly on or before the fifth day of each month, the following:

* * * * *

(b) The Class II price for the following month;

* * * * *

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

§ 1050.20 [Removed]

- 1. Section 1050.20 is removed.
- 2. Section 1050.50 is amended by revising paragraph (b) to read as follows:

§ 1050.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1050.51a [Removed]

- 3. Section 1050.51a is removed.
- 4. Section 1050.53 is revised to read as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

§ 1064.20 [Removed]

- 1. Section 1064.20 is removed.
- 2. Section 1064.50 is amended by revising paragraph (b) to read as follows:

§ 1064.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1064.51a [Removed]

- 3. Section 1064.51a is removed.
- 4. Section 1064.53 is revised to read as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

§ 1065.20 [Removed]

- 1. Section 1065.20 is removed.
- 2. Section 1065.50 is amended by revising paragraph (b) to read as follows:

§ 1065.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1065.51a [Removed]

- 3. Section 1065.51a is removed.
- 4. Section 1065.53 is revised to read as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

§ 1068.20 [Removed]

- 1. Section 1068.20 is removed.
- 2. Section 1068.50 is amended by revising paragraph (b) to read as follows:

§ 1068.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1068.51a [Removed]

- 3. Section 1068.51a is removed.
- 4. Section 1068.53 is revised to read as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1075—MILK IN THE BLACK HILLS, SOUTH DAKOTA MARKETING AREA

§ 1075.20 [Removed]

- 1. Section 1075.20 is removed.
- 2. Section 1075.50 is amended by revising paragraph (b) to read as follows:

§ 1075.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

- 3. Section 1075.51 is amended by revising the section heading, removing the paragraph designation "(a)" without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1075.51 Basic formula price.

* * * * *

- 4. Section 1075.53 is revised to read as follows:

§ 1075.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

§ 1076.20 [Removed]

- 1. Section 1076.20 is removed.
- 2. Section 1076.50 is amended by revising paragraph (b) to read as follows:

§ 1076.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1076.51a [Removed]

- 3. Section 1076.51a is removed.
- 4. Section 1076.53 is revised to read as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1079—MILK IN THE IOWA MARKETING AREA

§ 1079.20 [Removed]

1. Section 1079.20 is removed.
2. Section 1079.50 is amended by revising paragraph (b) to read as follows:

§ 1079.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1079.51a [Removed]

3. Section 1079.51a is removed.
4. Section 1079.53 is revised to read as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

§ 1093.20 [Removed]

1. Section 1093.20 is removed.
2. Section 1093.50 is amended by revising paragraph (b) to read as follows:

§ 1093.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1093.51a [Removed]

3. Section 1093.51a is removed.
4. Section 1093.53 is revised to read as follows:

§ 1093.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A price for the preceding month.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

§ 1094.20 [Removed]

1. Section 1094.20 is removed.
2. Section 1094.50 is amended by revising paragraph (b) to read as follows:

§ 1094.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1094.51a [Removed]

3. Section 1094.51a is removed.
4. Section 1094.53 is revised to read as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

§ 1096.20 [Removed]

1. Section 1096.20 is removed.
2. Section 1096.50 is amended by revising paragraph (b) to read as follows:

§ 1096.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1096.51a [Removed]

3. Section 1096.51a is removed.
4. Section 1096.53 is revised to read as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

§ 1106.20 [Removed]

1. Section 1106.20 is removed.
2. Section 1106.50 is amended by revising paragraph (b) to read as follows:

§ 1106.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1106.51a [Removed]

3. Section 1106.51a is removed.
4. Section 1106.53 is revised to read as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

§ 1108.20 [Removed]

1. Section 1108.20 is removed.
2. Section 1108.50 is amended by revising paragraph (b) to read as follows:

§ 1108.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1108.51a [Removed]

3. Section 1108.51a is removed.
4. Section 1108.53 is revised to read as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

1. Section 1124.19 is revised to read as follows:

§ 1124.19 Butterfat differential.

The *butterfat differential* is the number that results from subtracting the computation in paragraph (b) of this section from the computation in paragraph (a) of this section and rounding to the nearest one-tenth cent:

(a) Multiply 0.138 times the monthly average Chicago Mercantile Exchange Grade A (92-score) butter price as reported by the Dairy Division;

(b) Multiply 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month.

2. Section 1124.50 is amended by revising the references in paragraphs (e) and (f)(2) from “§ 1124.19(e)” to “§ 1124.19” and revising paragraph (b) to read as follows:

§ 1124.50 Class and component prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1124.51 is amended by revising the section heading, removing

the paragraph designation "(a)" and revising the reference in that paragraph from "§ 1124.19(e)" to "§ 1124.19", and by removing paragraph (b), to read as follows:

§ 1124.51 Basic formula price.

4. Section 1124.53 is amended by revising paragraph (a), removing paragraph (b), and redesignating paragraph (c) as paragraph (b), to read as follows:

§ 1124.53 Announcement of class and component prices.

(a) On or before the 5th day of each month, the Class I price and the Class II price for the following month, and the Class III and Class III-A price for the preceding month.

5. In § 1124.75 (a)(2)(i), the reference to "§ 1124.19(e)" is revised to read "§ 1124.19".

PART 1126—MILK IN THE TEXAS MARKETING AREA

§ 1126.20 [Removed and Reserved]

1. Section 1126.20 is removed and reserved.
2. Section 1126.50 is amended by revising paragraph (b) to read as follows:

§ 1126.50 Class prices.

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

§ 1126.51a [Removed]

3. Section 1126.51a is removed.
4. Section 1126.53 is revised to read as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

§ 1131.20 [Removed and Reserved]

1. Section 1131.20 is removed and reserved.
2. Section 1131.50 is amended by revising paragraph (b) to read as follows:

§ 1131.50 Class prices.

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

§ 1131.51a [Removed]

3. Section 1131.51a is removed.
4. Section 1131.53 is revised to read as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

§ 1134.19 [Removed and Reserved]

1. Section 1134.19 is removed and reserved.
2. Section 1134.50 is amended by revising paragraph (b) to read as follows:

§ 1134.50 Class prices.

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

§ 1134.51a [Removed]

3. Section 1134.51a is removed.
4. Section 1134.53 is revised to read as follows:

§ 1134.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

1. Section 1135.19 is revised to read as follows:

§ 1135.19 Butterfat differential.

The butterfat differential is the number that results from subtracting the computation in paragraph (b) of this section from the computation in paragraph (a) of this section and rounding to the nearest one-tenth cent:

- (a) Multiply 0.138 times the monthly average Chicago Mercantile Exchange Grade A (92-score) butter price as reported by the Dairy Division;
(b) Multiply 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month.

2. Section 1135.50 is amended by revising the references in paragraphs (e) and (f)(2) from "§ 1135.19(e)" to "§ 1135.19" and revising paragraph (b) to read as follows:

§ 1135.50 Class and component prices.

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

3. Section 1135.51 is amended by revising the section heading, removing the paragraph designation "(a)" and revising the reference in that paragraph from "§ 1135.19(e)" to "§ 1135.19", and by removing paragraph (b), to read as follows:

§ 1135.51 Basic formula price.

4. Section 1135.53 is amended by revising paragraph (a), removing paragraph (b), and redesignating paragraph (c) as paragraph (b), to read as follows:

§ 1135.53 Announcement of class and component prices.

(a) On or before the 5th day of each month, the Class I price and the Class II price for the following month, and the Class III and Class III-A prices for the preceding month.

5. In § 1135.74(b)(2)(i) and (ii), the references to "§ 1135.19(e)" are revised to read "§ 1135.19".

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

§ 1137.19 [Removed and Reserved]

1. Section 1137.19 is removed and reserved.
2. Section 1137.50 is amended by revising paragraph (b) to read as follows:

§ 1137.50 Class prices.

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

§ 1137.51a [Removed]

3. Section 1137.51a is removed.
4. Section 1137.53 is revised to read as follows:

§ 1137.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III price for the preceding month.

PART 1138—MILK IN THE NEW MEXICO-WEST TEXAS MARKETING AREA

§ 1138.20 [Removed and Reserved]

1. Section 1138.20 is removed and reserved.

2. Section 1138.50 is amended by revising paragraph (b) to read as follows:

§ 1138.50 Class prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

§ 1138.52 [Removed and Reserved]

3. Section 1138.52 is removed and reserved.

4. Section 1138.54 is revised to read as follows:

§ 1138.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price and the Class II price for the following month, and the Class III and Class III-A price for the preceding month.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

§ 1139.19 [Removed and Reserved]

1. Section 1139.19 is removed and reserved.

2. Section 1139.50 is amended by revising paragraph (b) to read as follows:

§ 1139.50 Class prices and component prices.

* * * * *

(b) Class II price. The Class II price shall be the basic formula price for the second preceding month plus \$0.30.

* * * * *

3. Section 1139.51 is amended by revising the section heading, removing the paragraph designation "(a)" without revising the text of the paragraph, and by removing paragraph (b), to read as follows:

§ 1139.51 Basic formula price.

* * * * *

4. Section 1139.53 is amended by revising paragraph (a), removing paragraph (b), and redesignating paragraph (c) as paragraph (b), to read as follows:

§ 1139.53 Announcement of class and component prices.

* * * * *

(a) The 5th day of each month, the Class I price and the Class II price for the following month.

* * * * *

Dated: January 27, 1995.

Patricia Jensen,

Acting Assistant Secretary Marketing and Regulatory Programs.

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