

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601-674.

2. Section 989.154 is revised to read as follows:

§ 989.154 Desirable carryout levels.

The desirable carryout levels to be used in computing and announcing a crop year's marketing policy shall be equal to the total shipments of free tonnage of the prior crop year during the months of August and September, for each varietal type, converted to a natural condition basis: *Provided*, That the desirable carryout levels to be used in computing and announcing the 1995-96 crop year's marketing policy shall be equal to the total 1994 shipments of free tonnage for the months of August and September, and one-fourth of the total shipments for the month of October: *Provided further*, That should the prior year's shipments be limited because of crop conditions, the Committee may select the total shipments during the months of August and September during one of the three crop years preceding the prior crop year.

Dated: June 15, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-15106 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Parts 1124 and 1135

[Docket Nos. AO-368-A25, AO-380-A15; DA-95-01]

Milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Marketing Areas; Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider proposals to modify the pooling standards in the Pacific Northwest and Southwestern Idaho-Eastern Oregon Federal milk orders. The hearing will also consider proposals to amend the Pacific Northwest order by expanding the marketing area to include two additional counties, modifying the multiple component pricing plan, providing the market administrator with authority to revise pooling standards and issue a "call" for milk if needed,

and modifying the producer-handler definition. The hearing was requested by Darigold Farms, a cooperative association that represents a large portion of the producers on the two orders.

DATES: The hearing will convene at 9 a.m. on July 11, 1995.

ADDRESSES: The hearing will be held at the Red Lion Hotel, Lloyd Center, 1000 N.E. Multnomah, Portland, Oregon 97232 (503) 281-6111.

FOR FURTHER INFORMATION CONTACT: Clifford M. Carman, Order Formulation Branch, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-9368.

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 Red Lion Hotel, Lloyd Center, 1000 N.E. Multnomah, Portland, Oregon 97232, beginning at 9 a.m., on Tuesday, July 11, 1995, with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Pacific Northwest and Southwestern Idaho-Eastern Oregon 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.

Actions under the Federal milk order program are subject to the Regulatory Flexibility Act (Pub. L. 96-354). This Act seeks to ensure that, within the statutory authority of a program, the regulatory and informational 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 \$500,000, and a dairy products manufacturer is a "small business" if it has fewer than 500 employees. 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 information collection requirements in the order provisions proposed to be amended in this notice of hearing have been previously approved by the Office of Management and Budget (OMB) under the provisions of Title 44 U.S.C. chapter 35 and have been assigned OMB control number 0581-0032.

The amendments to the rules proposed herein have been reviewed under Executive Order 12778, 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 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 an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Interested parties who wish to introduce exhibits should provide the Presiding Officer at the hearing with six 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 1124 and 1135

Milk marketing orders.

The authority citation for 7 CFR Parts 1124 and 1135 continue to read as follows:

Authority: 7 U.S.C. 601-674.

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

Proposed by Darigold Farms

Proposal No. 1

1. Amend § 1135.7 by adding a new paragraph (d) to read as follows:

§ 1135.7 Pool plant.

* * * * *

(d) The market administrator may increase or decrease the shipping requirements if the market administrator finds that such revision is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision of the shipping requirements might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of shipping percentages shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired to be effective.

2. Amend § 1135.13 by revising paragraphs (f)(2) and (f)(3), revising the first sentence of paragraph (f)(4), revising the second sentence of paragraph (f)(5) and by adding a new paragraph (f)(7) to read as follows:

§ 1135.13 Producer milk.

* * * * *

(f) * * *

(2) During each of the months of September through November milk of a dairy farmer shall not be eligible for diversion unless during the month one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant.

(3) The total quantity of milk diverted by a cooperative association during any month may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month. * * *

(4) The total quantity of milk diverted during the month by a proprietary bulk tank handler described in § 1135.9(d) may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk that the handler causes to be delivered to or diverted from pool plants during the month;

(5) * * * The total quantity so diverted during any month may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the producer milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator; and

(6) * * *

(7) The market administrator may increase or decrease the diversion limitations in paragraphs (f)(3), (f)(4) and (f)(5) of this section if the market administrator finds that such revision is necessary to prevent uneconomic handling or shipments of milk. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. 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 invite data, views, and arguments. Any request for revision of diversion limitations shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired effective.

Proposed by Darigold Farms

Proposal No. 2

1. Amend § 1124.2, Pacific Northwest marketing area, to include the two additional Washington counties of Clallam and Jefferson.

2. Amend § 1124.7 by revising paragraph (c) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(c) The market administrator may increase or decrease the shipping requirements if the market administrator finds that such revision is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. If the investigation shows that a revision of the shipping requirements might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments. Any request for revision of shipping percentages shall be filed with the market administrator no later than the 15th day of the month prior to the month for

which the requested revision is desired effective.

* * * * *

3. Amend § 1124.13 by revising paragraph (c) and adding a new paragraph (e) to read as follows:

§ 1124.13 Producer milk.

* * * * *

(c) The following conditions shall apply to diverted producer milk:

(1) A cooperative association or its agent may divert for its account the milk of any producer. The total quantity of milk diverted may not exceed 80 percent during the months of September through April and 90 percent during the months of May through August of the total quantity of producer milk which the association or its agent causes to be delivered to pool distributing plants or diverted. The percentage limits on diversions specified in this paragraph shall not apply to a cooperative reserve supply unit defined in § 1124.11;

(2) A handler other than a cooperative association that operates a pool plant may divert milk for its account to other plants or pursuant to § 1124.40(b)(3). The total quantity of milk so diverted may not exceed 80 percent during the months of September through April and 90 percent during the month of May through August of the milk received at such handler's pool plant or diverted by such handler from any producer other than a member of a cooperative association which markets milk under paragraph (c)(1) of this section and for which the operator of such plant is the handler during the month;

* * * * *

(e) The market administrator may increase or decrease the diversion limitations (c)(1) and (c)(2) of this section if the market administrator finds that such revision is necessary to prevent uneconomic handling or shipments of milk. Before making such a finding the market administrator shall investigate the need for revision either on the market administrator's own initiative or at the request of interested parties. 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 invite data, views, and arguments. Any request for revision of diversion limitations shall be filed with the market administrator no later than the 15th day of the month prior to the month for which the requested revision is desired to be effective.

4. Amend § 1124.30 by revising paragraphs (a)(1)(i), (a)(1)(ii) and (c)(1) through (c)(3) as follows:

§ 1124.30 Reports of receipts and utilization.

* * * * *

- (a) * * *
(1) * * *

(i) Milk received directly from producers (including such handler's own production) and the pounds of protein and pounds of nonfat milk solids other than protein (other solids) contained therein;

(ii) Milk received from a cooperative association pursuant to § 1124.9(c) and the pounds of protein and of nonfat milk solids other than protein (other solids) contained therein;

* * * * *

- (c) * * *

(1) The pounds of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) received from producers;

(2) The utilization of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) for which it is the handler pursuant to § 1124.9(b); and

(3) The quantities of skim milk, butterfat, protein, and nonfat milk solids other than protein (other solids) delivered to each pool plant pursuant to § 1124.9(c).

* * * * *

5. Amend § 1124.31 by revising paragraphs (a)(1) and (b)(1) to read as follows:

§ 1124.31 Payroll reports.

* * * * *

- (a) * * *

(1) The total pounds of milk received from each producer, the pounds of butterfat, the pounds of protein, and nonfat milk solids other than protein (other solids) contained in such milk, and the number of days on which milk was delivered by the producer during the month;

* * * * *

- (b) * * *

(1) The total pounds of milk received from each producer and the pounds of butterfat, pounds of protein, and nonfat milk solids other than protein (other solids) contained in such milk;

* * * * *

6. Amend § 1124.50 by revising paragraph (g) and adding a new paragraph (h) to read as follows:

§ 1124.50 Class and component prices.

* * * * *

(g) Protein price. The protein price per pound, rounded to the nearest one-hundredth cent, shall be 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department.

(h) Other solids price. Other solids are herein defined as nonfat milk solids other than protein. The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the skim milk price times .965, less the average protein test of the basic formula price as reported by the Department for the month times the protein price, and dividing the resulting amount by the market average nonfat milk solids other than protein (other solids) test of producer milk. If the resulting price is less than zero, then the protein price will be reduced so that the other solids price equals zero.

7. Revise § 1124.53 to read as follows:

§ 1124.53 Announcement of class and component prices.

On or before the 5th day of each month, the market administrator shall announce publicly the following prices:

- (a) The Class I price for the following month.
(b) The Class II price for the following month.
(c) The Class III price for the preceding month.
(d) The Class III-A price for the preceding month.
(e) The skim milk price for the preceding month.
(f) The butterfat price for the preceding month.
(g) The protein price for the preceding month.
(h) The butterfat differential price for the preceding month.

8. Amend § 1124.60 by revising paragraph (e), renaming paragraphs (f) through (m) as paragraphs (g) through (n), adding a new paragraph (o), changing the reference in the introductory text of paragraph (g) from (f)(6) to (g)(6), revising paragraph (g)(3), renumbering paragraphs (g)(4) through (g)(6) as (g)(5) through (g)(7), adding a new paragraph (g)(4), revising paragraph (h)(3), renumbering paragraphs (h)(4) through (h)(6) as paragraphs (h)(5) through (h)(7), adding a new paragraph (h)(4), and revising paragraph (h)(7), to read as follows:

§ 1124.60 Computation of handler's obligations to pool.

* * * * *

(e) Multiply the protein price for the month by the pounds of protein associated with the pounds of producer skim milk in Class II and Class III during the month. The pounds of protein shall be computed by multiplying the producer skim milk pounds so assigned by the percentage of protein in the handler's receipts of producer skim milk during the month for each report filed separately;

(f) Multiply the other solids price for the month by the pounds of nonfat milk solids other than protein (other solids) associated with the pounds of producer skim milk in Class II and Class III during the month. The pounds of nonfat milk solids other than protein (other solids) shall be computed by multiplying the producer skim milk pounds so assigned by the percentage of nonfat milk solids other than protein (other solids) in the handler's receipts of producer skim milk during the month for each report filed separately;

- (g) * * *

(3) Multiply the pounds of protein associated with the skim milk pounds assigned to Class II and III by the protein price;

(4) Multiply the pounds of nonfat milk solids other than protein (other solids) associated with the skim milk pounds assigned to Class II and III by the other solids price;

* * * * *

- (h) * * *

(3) Multiply the pounds of protein associated with the skim milk pounds assigned to Class II and III by the protein price;

(4) Multiply the pounds of nonfat milk solids other than protein (other solids) associated with the skim milk pounds assigned to Class II and III by the other solids price;

* * * * *

(7) Subtract the Class III value of the milk at the previous month's protein, other milk solids, and butterfat prices;

* * * * *

9. Revise § 1124.61 to read as follows:

§ 1124.61 Computation of statistical uniform price.

A statistical uniform price for each month shall be computed by the market administrator as follows:

- (a) Multiply the butterfat price computed pursuant to § 1124.50(f) times 3.50;
(b) Multiply the protein price computed pursuant to § 1124.50(g) times the market average protein test;
(c) Multiply the producer other solids price computed pursuant to § 1124.62 times the market average other solids test; and

(d) Add paragraphs (a) through (c) of this section. The result shall be the statistical uniform price for milk containing 3.50 percent butterfat and market average protein and other solids.

10. Revise § 1124.62 to read as follows:

§ 1124.62 Computation of producer other solids price.

The producer other solids price shall be computed by the market administrator each month as follows:

(a) Combine into one total the value computed pursuant to § 1124.60 (a) through (c) and (f) through (n) for all handlers who filed the reports prescribed by § 1124.30 for the month and who made the payments pursuant to § 1124.71 for the preceding month;

(b) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(c) Divide the resulting amount by the total pounds of other solids in producer milk; and

(d) Subtract not less than 4 cents per hundredweight nor more than 5 cents per hundredweight of the total pounds of milk used in § 1124.61(c).

11. Revise § 1124.63 to read as follows:

§ 1124.63 Announcement of producer prices.

On or before the 14th day after the end of each month, the market administrator shall announce the following prices and information:

- (a) The protein price;
- (b) The other solids price;
- (c) The producer other solids price;
- (d) The butterfat price;
- (e) The average protein test and other solids test of producer milk; and
- (f) The statistical uniform price for milk containing 3.5 percent butterfat.

12. Amend § 1124.71 by revising paragraph (b)(3) to read as follows:

§ 1124.71 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(3) The value at the statistical uniform price adjusted for the location of the plant(s) at which received (not to be less than zero) with respect to the total hundredweight of skim milk and butterfat in other source milk for which a value was computed or such handler pursuant to § 1124.60(k); and

* * * * *

13. Amend § 1124.73 by revising paragraphs (a)(2)(ii), (a)(2)(iii), (c), (c)(1), and (f)(2) to read as follows:

§ 1124.73 Payments to producers and to cooperative associations.

(a) * * *

(2) * * *

(ii) Add the amount that results from multiplying the protein price for the month by the total pounds of protein in the milk received from the producer;

(iii) Add the amount that results from multiplying the producer other solids

price for the month by the total pounds of other solids in the milk received from the producer;

* * * * *

(c) Each handler shall pay to each cooperative association which operates a pool plant, or the cooperative's duly authorized agent, for butterfat, protein, and other milk solids received from such plant in the form of fluid milk products as follows:

(1) On or before the second day prior to the date specified in paragraph (a)(1) of this section, for butterfat, protein, and other milk solids received during the first 15 days of the month at not less than the butterfat, protein, and other milk solids prices, respectively for the preceding month; and

* * * * *

(f) * * *

(2) The total pounds of milk delivered by the producer, the pounds of butterfat, protein, and other milk solids contained therein, and, unless previously provided, the pounds of milk in each delivery;

* * * * *

14. Amend § 1124.75 by revising paragraphs (a)(1)(i) to read as follows:

§ 1124.75 Payments by a handler operating partially regulated distributing plant.

* * * * *

(a) * * *

(1)(i) The obligation that would have been computed pursuant to § 1124.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price, estimated uniform price or statistical uniform price of the respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. No obligation shall apply to Class I milk transferred to a pool plant or another order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1124.60(k) and a credit in the amount specified in

§ 1124.71(b)(3) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section; and

* * * * *

Proposed by Farmers Cooperative Creamery

Proposal No. 3

Amend § 1124.7 by revising paragraph (b)(1) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(b) * * *

(1) With respect to a supply plant operated by a cooperative association, the producer milk of its members which it caused to be delivered directly from their farms to pool distributing plants, for the purpose of this paragraph, may, upon written request to the market administrator prior to the month in which it is effective, have such deliveries considered as a receipt at the cooperative's supply plant and a shipment from the supply plant to pool distributing plants;

Proposed by National All-Jersey Inc.

Proposal No. 4

Modify the multiple component pricing plan in Order 1124 from the current two components (fat and solids-not-fat) to a three component plan (fat, protein, and other solids) as follows:

1. Butterfat. The butterfat price per pound, rounded to the nearest one-hundredth cent, is the Class II price plus an amount computed by multiplying the butterfat differential by 965 and dividing the resulting amount by one hundred.

2. Protein. The protein price per pound, rounded to the nearest one-hundredth cent, is 1.32 times the average monthly price per pound for 40-pound block Cheddar cheese on the National Cheese Exchange as reported by the Department plus 1.95 times the average monthly price per pound for whey powder (West) as reported by Dairy Market News.

3. Other solids price. This is a residual price. The other solids price per pound, rounded to the nearest one-hundredth cent, is computed by subtracting from the basic formula price, 3.5 times the butterfat price per pound and the protein price per pound times the M-W average protein content. The result is divided by Order 124 other solids content.

4. Weighted average differential per hundredweight. The weighted average differential includes each producer's share of the Class I, II, and III-A differentials. Any differences in component levels of milk used in Class I versus Class II and III will be reconciled in the weighted average differential price. The result is that both the handler protein and other solids prices would be identical. There would be no need for a protein or other solids pool.

5. Handler obligations. Handler obligations only change for milk allocated to Class II, III, and III-A. There is no change in a handler's obligation for milk allocated to Class I. Handlers' obligations are as follows:

Class I Handler Obligations

- A. Skim milk price per cwt. x total cwt. of skim purchased.
B. Butterfat price per pound x total pounds of butterfat purchased.
C. Class I differential price per cwt. x total cwt of milk purchased.

Class II Handler Obligations

- A. Protein price per pound x total pounds of protein purchased.
B. Other solids price per pound x total pounds of other solids purchased.
C. Butterfat price per pound x total pounds of butterfat purchased.
D. Class II differential price per cwt. x total cwt. of milk purchased.

Class III Handler Obligations

- A. Protein price per pounds x total pounds of protein purchased.
B. Other solids price per pound x total pounds of other solids purchased.
C. Butterfat price per pound x total pounds of butterfat purchased.

Class III-A Handler Obligations

- A. Protein price per pound x total pounds of protein purchased.
B. Other solids price per pound x total pounds of other solids purchased.
C. Butterfat price per pound x total pounds of butterfat purchased.
D. The difference between the Class III price and the Class III-A price x the total cwt. of milk purchased.

6. Producer payments. Producers would be paid for their milk production based on four factors as follows:

- A. Protein price per pound x the total pounds of protein production.
B. Other solids price per pound x total pounds of other solids production.
C. Butterfat price per pound x total pounds of butterfat production.
D. Weighted average differential per cwt. (each producer's share of Class I, II, and III-A differentials) x total cwt. of milk production.

7. Change any other order provisions needed to implement this MCP plan.

Proposed by Oregon Washington Dairy Processors Association

Proposal No. 5

1. Amend § 1124.7 by adding a new paragraph (d)(7) to read as follows:

§ 1124.7 Pool plant.

* * * * *

(d) * * *

(7) A government agency plant.

2. Amend § 1124.8 by adding a new paragraph (f) to read as follows:

§ 1124.8 Nonpool plant.

* * * * *

(f) Governmental Agency plant means a plant owned and operated by a government institution from which fluid milk products are distributed as route dispositions to state institutions not for resale. Such plants shall be exempt from all provisions of this part regarding dispositions to state correctional institutions not for resale. All other fluid milk products shall be subject to § 1124.76(b).

3. Amend § 1124.10 by removing the last sentence from the introductory text, revising paragraphs (c)(2) and (c)(2)(i), and deleting paragraph (c)(2)(ii) to read as follows:

§ 1124.10 Producer-handler.

* * * * *

(c) * * *

(2) The producer-handler handles fluid milk products derived from sources other than the milk production and resources specified in paragraph (b) of this section, except as specified below:

(i) A producer-handler may receive fluid milk products from pool plants if such receipts do not exceed a daily average of 100 pounds during the month.

* * * * *

4. Amend § 1124.12 by adding a new paragraph (b)(6) to read as follows:

§ 1124.12 Producer.

* * * * *

(b) * * *

(6) Any government institution which produces milk in conjunction with the operation of a plant exempt from provisions of this part pursuant to § 1124.8(f).

5. A new § 1124.19 is added under the title "Definitions" to read as follows:

§ 1124.19 Call for milk.

Call for milk means the response undertaken by any cooperative association, including one qualified as a cooperative reserve supply unit

pursuant to § 1124.11, to supply producer milk to a distribution plant in accordance with a request made by the market administrator. The market administrator may issue a request for specific cooperatives to supply bulk fluid milk to one or more distributing plants whenever he finds that such supplies are needed at such plant(s) to fulfill their needs for milk for Class I purposes:

(a) Before making a finding that additional supplies are needed for Class I purposes the market administrator shall investigate such need in accordance with the procedures set forth in § 1124.11(b)(1).

(b) Any cooperative with an adequate supply of producer milk within 125 miles of distribution plants included in the call may be requested by the market administrator to respond on a timely basis. Producer milk being directed to other plants for manufacturing purposes will be considered to constitute an appropriate alternative supply for Class I use.

(1) Failure of a cooperative reserve supply unit to comply with any announced shipping requirements, including making any significant change in the unit's marketing operation that the market administrator determines has the impact of evading or forcing such an announcement, shall result in immediate loss of cooperative reserve supply unit status until such time as the unit has been a handler pursuant to § 1124.9 (b) and (c) for at least 12 consecutive months.

(2) Failure of other cooperatives to comply with a call for milk will result in a loss of producer milk status for an equivalent volume of milk that is delivered to manufacturing plants during the period when the call is effective.

(3) Cooperatives, other than cooperative reserve supply units, notified of a loss of producer milk status for violation of this provision shall identify those producers and the amount of their milk not eligible for diversion during the call period. Failure of the cooperative to designate such producers and the respective amounts of milk shall result in the forfeiture of producer milk status for all milk diverted to nonpool manufacturing plants during the month.

Proposed by Dairy Division, Agricultural Marketing Service

Proposal No. 6

Make such changes as may be necessary to make the entire marketing agreements and the orders 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, Room 1083, South Building, United States Department of Agriculture, Washington, DC 20250, 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 decisional 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 Division, 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: June 15, 1995.

Lon Hatamiya,
Administrator.

[FR Doc. 95-15105 Filed 6-20-95; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-ANE-13]

Airworthiness Directives; Royal Inventum Company DR1 and DR6 Series Galley Water Heaters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Royal Inventum Company DR1 and DR6 series galley water heaters. This proposal would require the installation of new pressure relief valves, and 3-phase safety devices on each Royal

Inventum Company DR1 and DR6 series galley water heater. This proposal is prompted by a report of a Royal Inventum DR6 water heater explosion in the aircraft galley during an overheat test at a maintenance facility. The actions specified by the proposed AD are intended to prevent explosions of Royal Inventum Company DR1 and DR6 series galley water heaters, which could cause personal injury or galley damage to the aircraft.

DATES: Comments must be received by August 21, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-ANE-13, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from B/E Aerospace, Inventum Galley Products Division (Royal Inventum Company), P.O. Box 250, 3430 AG Nieuwegin, The Netherlands. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA, 01803-5299; telephone (617) 238-7155, fax (617) 238-7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 95-ANE-13." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-ANE-13, 12 New England Executive Park, Burlington, MA, 01803-5299.

Discussion

The Director-General of Civil Aviation of the Netherlands, which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on Royal Inventum Company DR1 and DR6 series galley water heaters, and is likely to exist or develop on other water heaters of the same or similar design. A Royal Inventum Company Model DR6 water heater exploded during a simulated overheat test in a maintenance facility. The water heater was of an earlier design, which did not have a pressure relief valve installed, and did not have a 3-phase safety device installed on the water tank, resulting in a thermostat failure which caused an explosion of the aircraft galley water heater.

Inventum Bilthoven-Holland has issued Service Bulletin's (SB's) 25-330, Revision 1, dated July 8, 1976; SB 25-331, Revision 1, dated September 28, 1977; and Inventum Alert Service Bulletin (ASB) DR1/DR6-25-4, Revision A, dated December 6, 1993, that specify the installation of a pressure relief valve; and Inventum Bilthoven-Holland SB's 25-340, dated July 7, 1977; SB 25-344, dated January 18, 1978; SB 25-345, dated February 16, 1978; SB 25-346, dated February 16, 1978; and Inventum ASB DR1/DR6-25-5, Revision A, dated December 6, 1993, that specify the installation of 3-phase safety devices. The Director-General of Civil Aviation of the Netherlands has classified these service bulletins as mandatory and issued Airworthiness Directive BLA 93-168 (AB), dated December 17, 1993, in order to assure the airworthiness of these water heaters.