This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the front of each volume of the FEDERAL REGISTER.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1106

Milk in the Southwest Plains Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action for the Southwest Plains market suspends, for the months of March through August 1988, the shipping standards for supply plants and the monthly requirements that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants. The action was requested by Mid-America Dairymen, Inc., a cooperative association that represents producers who supply milk for the market. The action is necessary to assure the efficient disposition of the milk produced by dairy farmers who have historically supplied the market's fluid milk requirements.

EFFECTIVE DATE: Upon publication of this document in the Federal Register for the months of March through August 1988.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2098, South Building, P.O. Box 96456, Washington, DC 20090-6456. (202) 477-2089.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Suspension: Issued February 25, 1988; published March 1, 1988 (53 FR 6158). The Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. Such action lessens the regulatory impact of the order on certain milk handlers and tends to ensure that dairy farmers supplying the market's fluid needs will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing. This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and of the order regulating the handling of milk in the Southwest Plains marketing area. Notice of proposed rulemaking was published in the Federal Register on March 1, 1988 (53 FR 6158). Such notice invited comments on a proposal to suspend certain provisions of the Southwest Plains order. Interested parties were given seven days after the notice was published in the Federal Register to file comments on the proposed action. No opposing views were received.

After consideration of all relevant material, including the proposal in the notice and other available information, it is hereby found and determined that for the months of March-August 1988 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1106.6, the words "during the month".

2. In § 1106.7(b)(1), the words "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraphs (b)(2) of this section to plants described in paragraph (a) of the section are not less than 50 percent of receipts or diversions, as previously specified. A plant that was a pool supply plant under the Neosho Valley, Wichita, Red River Valley or Oklahoma Metropolitan orders (or any combination thereof) during the months of September through December 1987 shall qualify as a pool plant in each of the months of February through August 1983 until any month of such period in which the plant fails to meet the 20 percent shipping requirement".

3. In § 1106.13, paragraph (d)(1) in its entirety.

Statement of Consideration

This action for the Southwest Plains market suspends, for the months of March through August 1988, the shipping standards for supply plants and the monthly requirement that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants. The order defines a supply plant as a plant from which fluid milk products are transferred or diverted to distributing plants during the month. It further provides that a supply plant which was pooled under the order during each of the immediately preceding months of September through January shall continue to be pooled during the following months of February through August if 20 percent of the plant's receipts are shipped to distributing plants. The order also provides that a dairy farmer's milk may be diverted to nonpool plants and still be priced under the order if at least one day's production of such person is physically received at a pool plant during the month.

The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that supplies a substantial portion of the milk for this market. The action is supported by Kraft, Inc., the operator of a pool supply plant at Bentonville, Arkansas and a nonpool manufacturing plant at Springfield, Missouri.

The action is needed because the market's milk production has increased dramatically since the termination of the whole-herd buyout program. Ample supplies of direct-ship milk, which are produced near the market's distributing plants, are available to supply the milk needs of such plants during the months of March-August this year and supplemental shipments from supply plants will not be necessary. Thus, no purpose would be served by requiring that supply plants make shipments to distributing plants in such months or that the milk of distant dairy farmers be delivered to a pool plant at least once during each month. The milk of producers can be marketed more
PART 1106—MILK IN SOUTHWEST PLAINS MARKETING AREA

1. The authority citation for 7 CFR Part 1106 continues to read as follows:


§ 1106.6 [Amended]

2. In § 1106.6, the words "during the month" are suspended.

§ 1106.7 [Amended]

3. In § 1106.7(b)(1), the words "until any month of such period in which less than twenty percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such twenty percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of the section are not less than fifty percent of receipts or diversions, as previously specified. A plant that was a pool supply plant under the Neosho Valley, Wichita, Red River Valley or Oklahoma Metropolitan orders (or any combination thereof) during the months of September through December 1982 shall qualify as a pool plant in each of the months of February through August 1983 until any month of such period in which the plant fails to meet the 20 percent shipping requirement" are suspended.

§ 1106.13 [Amended]

4. In § 1106.13, paragraph (d)(1) is suspended in its entirety.


Kenneth A. Gilles, Assistant Secretary for Marketing and Inspection Services.

BILLING CODE 3410-02-M

7 CFR Part 1250

Beef Promotion and Research Program; Procedures for Conduct of Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to adopt as a final rule, with some changes, a proposed rule which was published in the Federal Register on January 8, 1988 (53 FR 509). Pursuant to the Beef Promotion and Research Act of 1985, a referendum among cattle producers and cattle and beef importers will be conducted by the Secretary to determine whether the Beef Promotion and Research Order which was implemented July 18, 1986 should be continued. The Act requires the Secretary to conduct such referendum not later than 22 months after the issuance of the Order. This final rule establishes the procedures for conducting the required initial referendum which will be held on May 10, 1988, in all locations except for the State of West Virginia where the referendum will be held on May 9, 1988.


ADDRESS: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch, Livestock and Seed Division, Agricultural Marketing Service (AMS), USDA, Room 2610-S, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs and Procurement Branch (202) 447-2650.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and Departmental Regulation No. 1512-1 and has been classified as a non-major rule under the criteria contained therein.

This action also was reviewed under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This rule establishes procedures for the conduct of a referendum to determine whether the Beef Promotion and Research Order (Order) should be continued. It permits all eligible cattle producers and importers of cattle, beef, and beef products to register and vote. Participation in the referendum is voluntary. In addition, the referendum is required by statute; therefore, a regulatory flexibility analysis was not prepared. The Administrator of the Agricultural Marketing Service (AMS), has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

The Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901 et seq.), provides for the establishment of a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. The program is financed by a $1-per-head assessment on domestic and imported cattle and an equivalent amount on imported beef and beef products. Pursuant to the Act, an Order was made effective July 18, 1986, and the collection of assessments began on October 1, 1986.