Determination of Producer Approval and Representative Period

December 1994 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chicago Regional and certain other marketing areas is approved or favored by producers, as defined under the terms of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

List of Subjects in 7 CFR Parts 1030, 1065, 1068, 1076 and 1079

Milk marketing orders.

Dated: August 3, 1995.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Regulatory Programs.

Order Amending the Orders Regulating the Handling of Milk in the Chicago Regional and Certain Other Marketing Areas

(This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.)

Findings and Determinations

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

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the orders regulating the handling of milk in the Chicago Regional and certain other marketing areas. The hearing was held 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 (7 CFR part 900).

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

(1) The said orders 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 aforesaid marketing areas. The minimum prices specified in the orders 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 orders as hereby amended regulate 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, marketing agreements upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago Regional and certain other marketing areas shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the orders contained in the recommended decision issued by the Administrator, Agricultural Marketing Service, on October 25, 1994, and published in the **Federal Register** on November 2, 1994 (59 FR 54952), shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein, subject to the following modifications:

a. Changes in the treatment of somatic cell adjustments require modifications of reporting requirements in § 1030.30(a)(1) and the corresponding sections of the other 4 orders.

b. Additional changes due to the treatment of the somatic cell adjustment have been made in §§ 1030.50(l), 1030.53(i), 1030.60(a)(6), 1030.61(a)(2), 1030.62(e), 1030.71(a)(2)(iv), 1030.73(c)(2)(vi), and the corresponding sections of the other 4 orders.

c. Changes in the computation of the Other Solids Price have been made in § 1030.50(k), and in the corresponding sections of the other 4 orders.

d. Changes for the purpose of more easily accommodating Class III–A provisions have been made by adding §§ 1030.50(g) and 1030.60(a)(7), deleting 1030.61(a)(3), and making the same changes in the other 3 orders that have Class III–A provisions.

e. Changes for the purpose of conforming with changes to the orders resulting from the Class II pricing proceeding have been made in §§ 1030.53(b) and the corresponding sections of the other 4 orders. f. Changes for the purpose of conforming with changes to the orders resulting from the M–W replacement proceeding have been made in § 1030.74 and the corresponding sections of the other 4 orders.

g. Changes for the purpose of clarifying the amended order have been made in \$\$ 1030.71(a)(2)(v) and 1030.75(b) and the corresponding sections of those orders for which such changes are appropriate.

h. Changes in the Upper Midwest reporting date, the date for announcing the producer price differential and the date by which payments must be made to the producer-settlement fund have been made in §§ 1068.30, 1068.62, 1068.71(a), 1068.85 and 1068.86.

Accordingly, this decision proposes 7 CFR chapter X be amended as follows:

1. The authority citation for 7 CFR parts 1030, 1065, 1068, 1076 and 1079 continues to read as follows:

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

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. Section 1030.30 is amended by revising paragraphs (a) and (c) and removing paragraph (d), to read as follows:

§1030.30 Reports of receipts and utilization.

(a) Each handler described in § 1030.9(a) shall report for each plant of the handler (except if a handler requests and the request is approved by the market administrator, a handler may file a consolidated report for supply plants and a consolidated report for distributing plants); and each handler described in § 1030.9(b) and (c) shall report the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants; and

(ii) Receipts of milk from handlers described in § 1030.9(c).

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts by transfer or diversion of bulk fluid milk products from pool plants, including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.7(b)(4);

(ii) Receipts of fluid milk products not included in paragraph (a)(1) or (a)(2)(i)