

§ 1005.32 [Amended]

3. In § 1005.32(a), the words "March through June" are revised to read "February through May" wherever they appear.

4. In § 1005.53, paragraph (a)(6) is redesignated as paragraph (a)(7) and revised, and a new paragraph (a)(6) is added to read as follows:

§ 1005.53 Plant location adjustments for handlers.

(a) * * *

(6) For a plant located within the Middle Atlantic Federal Order Marketing Area (part 1004), the adjustment shall be computed by subtracting the base zone Class I price specified in § 1005.50(a) from the Class I price applicable at such plant under the Middle Atlantic Federal Order; and

(7) For a plant located outside the areas specified in paragraphs (a)(1) through (a)(6) of this section, the adjustment shall be a minus 2.5 cents for each 10 miles or fraction thereof (by the shortest hard-surfaced highway distance as determined by the market administrator) that such plant is from the nearer of the city halls in Greenville, South Carolina, or Charlotte or Greensboro, North Carolina.

§ 1005.61 [Amended]

5. In § 1005.61 paragraphs (a) introductory text and (a)(5), the words "July through February" are revised to read "June through January" and in paragraph (b) introductory text the words "March through June" are revised to read "February through May".

§§ 1005.90 and 1005.91 [Amended]

6. In §§ 1005.90 and 1005.91, the words "March through June" are revised to read "February through May" wherever they appear.

§ 1005.93 [Amended]

7. In § 1005.93 paragraph (b), the words "March through June" are revised to read "February through May" wherever they appear, the words "February 1" are revised to read "January 1", and in paragraph (e) the words "March 1" are revised to read "February 1".

§ 1005.94 [Amended]

8. In § 1005.94, the words "February 1" are revised to read "January 1".

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

9. Section 1011.2 is amended by revising paragraph (b) to read as follows:

§ 1011.2 Tennessee Valley marketing area

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(b) In Kentucky, the counties of Bell, Breathitt, Clay, Harlan, Jackson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Owsley, Perry, Pulaski, Rockcastle, and Whitley.

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10. In § 1011.7, the reference "(d)" in the introductory text is revised to read "(e)", paragraph (b) is revised, paragraph (d) is redesignated as paragraph (e) and revised, and a new paragraph (d) is added to read as follows:

§ 1011.7 Pool plant.

* * * * *

(b) A plant, other than a plant described in paragraph (a) of this section, from which fluid milk products, except filled milk, are shipped to plants described in paragraph (a) of this section subject to the following additional conditions:

(1) During the months of August through November, January and February, such shipments must equal not less than 60 percent (40 percent during the months of December and March through July) of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is received during the month at such plant from handlers described in § 1011.9 (c) and (d) and from dairy farmers, including milk that is diverted from the plant pursuant to § 1011.13 but excluding milk diverted to the plant;

(2) The operator of a plant described in this paragraph may include milk diverted from the plant to plants described in paragraph (a) of this section for up to one-half of the shipments required pursuant to this paragraph;

(3) A plant which meets the shipping requirements specified in this paragraph during the months of July through February shall be a pool plant during the following months of March through June unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency, the plant fails to meet a shipping requirement instituted pursuant to paragraph (b)(4) of this section, or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated a nonpool plant for such month and for each subsequent month through June during which it would not otherwise qualify as a pool plant; and

(4) The shipping requirements described in paragraph (b)(1) and (b)(3) of this section may be increased or decreased up to 10 percentage points by the market administrator if he or she

finds that revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for revision either at his or her own initiative or at the request of interested persons. If the investigation shows that a revision may be appropriate, the market administrator shall issue a notice stating that the revision is being considered and invite data, views, and arguments.

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(d) A plant located within the marketing area (other than a producer-handler plant or a governmental agency plant) that meets the qualifications described in paragraph (a) of this section regardless of its quantity of route disposition in any other Federal order marketing area.

(e) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;
(2) A governmental agency plant;
(3) A plant with route disposition in this marketing area that is located within the marketing area of another Federal order and that is fully regulated under such order;

(4) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area but which also meets the pooling requirements of another Federal order and from which there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area; and

(5) A plant qualified pursuant to paragraph (b) of this section if the plant has automatic pooling status under another Federal order or if the plant meets the pooling requirements of another Federal order during the month and makes greater qualifying shipments to plants regulated under such other order than to plants regulated under this order.

§ 1011.13 [Amended]

11. In § 1011.13 paragraph (e)(3), the words "Director of the Dairy Division" and "Director" are revised to read "market administrator" wherever they appear.

12. Section 1011.52(a)(3) is revised to read as follows:

§ 1011.52 Plant location adjustments for handlers.

(a) * * *

(3) For such milk which is physically received at a plant located within the Kentucky counties of Bell, Breathitt, Clay, Harlan, Jackson, Knott, Knox, Laurel, Leslie, Letcher, McCreary, Owsley, Perry, Pulaski, Rockcastle, and