

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of November, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and eighteenth.

William Clinton

[FR Doc. 93-29563

Filed 11-29-93; 4:28 pm]

Billing code 3195-01-P

Presidential Documents

Executive Order 12883 of November 29, 1993

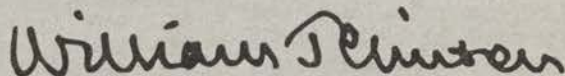
Delegating a Federal Pay Administration Authority

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5304 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Section 2 of Executive Order No. 12748 is amended by adding at the end thereof a new subsection (c) to read as follows:

"(c) The President's Pay Agent, as designated in subsection (a), is hereby authorized and designated to exercise the authorities of the President under section 5304(h) concerning the extension of locality-based comparability payments to certain categories of positions not otherwise covered."

Sec. 2. This order shall be effective immediately.



THE WHITE HOUSE,
November 29, 1993.

[FR Doc. 93-29564

Filed 11-29-93; 4:27 pm]

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Rules and Regulations

Federal Register

Vol. 58, No. 229

Wednesday, December 1, 1993

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 first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1001, 1002, 1004, 1005, 1007, 1011, 1030, 1033, 1036, 1040, 1044, 1046, 1049, 1065, 1068, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1124, 1126, 1131, 1135 and 1138

[Docket No. AO-14-A65-R02, etc; DA-91-013]

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

7 CFR part	Marketing area	AO Nos.
1001	New England	AO-14-A65-R02
1002	New York-New Jersey	AO-71-A80-R02
1004	Middle Atlantic	AO-160-A68-R02
1005	Carolina	AO-388-A5-R02
1007	Georgia	AO-366-A34-R02
1011	Tennessee Valley	AO-251-A36-R02
1030	Chicago Regional	AO-361-A29-R02
1033	Ohio Valley	AO-166-A62-R02
1036	Eastern Ohio-Western Penn-sylvania	AO-179-A57-R02
1040	Southern Michigan	AO-225-A43-R02
1044	Michigan Upper Peninsula	AO-299-A27-R02
1046	Louisville-Lexington-Evansville	AO-123-A63-R02
1049	Indiana	AO-319-A40-R02
1065	Nebraska-Western Iowa	AO-86-A48-R02
1068	Upper Midwest	AO-178-A46-R02
1079	Iowa	AO-295-A42-R02

7 CFR part	Marketing area	AO Nos.
1093	Alabama-West Florida	AO-386-A12-R02
1094	New Orleans-Mississippi	AO-103-A54-R02
1096	Greater Louisiana	AO-257-A41-R02
1097	Memphis, Tennessee ¹	AO-219-A47-R02
1098	Nashville, Tennessee ¹	AO-184-A56-R02
1099	Paducah, Kentucky	AO-183-A46-R02
1106	Southwest Plains	AO-210-A53-R02
1108	Central Arkansas	AO-243-A44-R02
1124	Pacific Northwest	AO-368-A20-R02
1126	Texas	AO-231-A61-R02
1131	Central Arizona	AO-271-A30-R02
1135	Southwestern Idaho-Eastern Oregon	AO-380-A10-R02
1138	New Mexico-West Texas ²	AO-335-A37-R02

¹ The Memphis, Tennessee and Nashville, Tennessee orders were terminated, effective July 31, 1993.

² The Lubbock-Plainview, Texas Panhandle and Rio Grande Valley orders were merged to form the New Mexico-West Texas order, effective December 1, 1991.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action amends 27 Federal milk marketing orders based on evidence received at three separate hearing sessions. The amended orders will provide a special III-A class and price for producer milk that is used to produce nonfat dry milk (NFDM). The Class III-A prices under these orders will be established from product formulas that are based on NFDM prices for the month. Class III-A pricing, which currently is effective on an interim basis in three of the markets where the changes were urgently needed, will be unchanged. The Western powder price will be used in the III-A formulas for the three far-western markets and the Central States NFDM price will be used in the pricing formulas for the other markets.

Each of the amended orders was approved by producers who were eligible to have their milk pooled during

the representative month. Referenda were conducted in six markets and cooperative associations were polled in the other 21 markets.

EFFECTIVE DATE: December 1, 1993.

FOR FURTHER INFORMATION CONTACT: John F. Borovics, Chief, Order Formulation Branch, USDA/AMS/Dairy Division, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-6274.

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 action will not have a significant economic impact on a substantial number of small entities. The amended orders will facilitate the orderly disposition of the reserve milk supplies of the affected markets by handlers regulated under such orders.

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 the rule.

The Agricultural Marketing Agreement Act of 1937 as amended, (7 U.S.C. 601-674) (the Act), 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 July 16, 1991; published July 22, 1991 (56 FR 33395).

Tentative Decision: Issued December 10, 1991; published December 19, 1991 (56 FR 65801) and corrected December 23, 1991 (56 FR 66482).

Revised Tentative Decision: Issued December 24, 1991; published January 2, 1992 (57 FR 15).

Interim Amendment of Orders: Issued December 27, 1991; published January 3, 1992 (57 FR 173).

Notice of Reopened Hearing: Issued August 11, 1992; published August 14, 1992 (57 FR 36609).

Notice of Reopened Hearing: Issued September 22, 1992; published September 25, 1992 (57 FR 44344).

Revised Tentative Decision: Issued October 20, 1992; published October 27, 1992 (57 FR 48575).

Interim Amendment of Orders: Issued October 29, 1992; published November 3, 1992 (57 FR 49633).

Recommended Decision: Issued May 11, 1993; published May 19, 1993 (58 FR 29133).

Extension of Time to File Exceptions: Issued June 11, 1993; published June 17, 1993 (58 FR 33347).

Final Decision: Issued October 20, 1993; published October 29, 1993 (58 FR 58112).

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 it 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 has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending each of the specified orders effective on December 1, 1993. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the aforesaid marketing areas.

The provisions of this order amending the aforesaid orders are known to handlers. The recommended decision of the Acting Administrator was issued May 11, 1993, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued October 20, 1993. The changes effected by this order will not require extensive preparation or substantial alteration in the method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending each of the specified orders effective on December 1, 1993, and that it would be contrary to the public interest to delay the effective date of this amending order for 30 days after its publication in the Federal Register. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551-559)

(c) *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 orders regulating the handling of milk in the Michigan Upper Peninsula and Paducah, Kentucky marketing areas, 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;

(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; and

(5) The issuance of the order amending the order regulating the handling of milk in the Paducah, Kentucky marketing area, is favored by producers who during the determined representative period accounted for two-thirds of the production of milk for sale in the marketing area.

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1007, 1011, 1030, 1033, 1036, 1040, 1044, 1046, 1049, 1065, 1068, 1079, 1093, 1094, 1096, 1099, 1106, 1108, 1124, 1126, 1131, 1135, 1138

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:

1. The authority citation for 7 CFR Parts 1001, 1002, 1004, 1005, 1007, 1011, 1030, 1033, 1036, 1040, 1044, 1046, 1049, 1065, 1068, 1079, 1093, 1094, 1096, 1099, 1106, 1108, 1124, 1126, 1131, 1135, 1138, continues to read as follows:

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

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

1. Section 1001.40 (c)(1)(iii) and (d) are republished.

§ 1001.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1001.43(f) is republished.

§ 1001.43 General classification rules.

(f) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1001.50 is amended by revising paragraph (d) to read as follows:

§ 1001.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent, and subject to the adjustments set forth in paragraph (c) of this section for the applicable month.

4. Section 1001.54 is republished.

§ 1001.54 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1001.50(b).

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

1. Section 1002.40 is amended by adding paragraph (d) to read as follows:

§ 1002.40 General classification rules.

(d) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant or unit.

2. Section 1002.41 is amended by revising paragraph (d)(1)(iii) and adding paragraph (e) to read as follows:

§ 1002.41 Classes of utilization.

(d) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(e) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

3. Section 1002.50 is amended by adding paragraph (e) to read as follows:

§ 1002.50 Class prices.

(e) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent, and subject to the adjustments set forth in paragraph (d) of this section for the applicable month.

§ 1002.52 [Amended]

4. Section 1002.52 is amended by changing the table heading in column C in paragraph (c) from "Classes II and III" to "Classes II, III and III-A."

5. Section 1002.56 is amended by revising paragraph (a)(2) to read as follows:

§ 1002.56 Announcement of class prices and butterfat differential.

(a) * * *

(2) The Class III and Class III-A prices for the preceding month applicable at the 201-210 mile zone and at the 1-10 mile zone;

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. Section 1004.40 (c)(1)(iii) and (d) are republished.

§ 1004.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1004.43(d) is republished.

§ 1004.43 General classification rules.

(d) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the

basis of the quantity of total receipts of bulk fluid milk products allocated to Class III use at the plant.

3. Section 1004.50 is amended by revising the center heading preceding the section and paragraph (g) to read as follows:

Class and Component Prices

§ 1004.50 Class and component prices.

(g) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential value per hundredweight of 3.5 percent milk and rounded to the nearest cent, and subject to the adjustments set forth in paragraph (c) of this section for the applicable month.

4. Section 1004.53(a)(2) is republished.

§ 1004.53 Announcement of class prices and component prices.

(a) * * *

(2) The Class III and Class III-A prices for the preceding month; and

5. and 6. Section 1004.60(k) is republished.

§ 1004.60 Handler's value of milk for computing uniform prices.

(k) For producer milk in Class III-A, add or subtract as appropriate an amount per hundredweight that the Class III-A price is more or less, respectively, than the Class III price.

PART 1005—MILK IN THE CAROLINA MARKETING AREA

1. Section 1005.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1005.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1005.43 is amended by adding paragraph (e) to read as follows:

§ 1005.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1005.50 is amended by adding paragraph (d) to read as follows:

§ 1005.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1005.50(b).

PART 1007—MILK IN THE GEORGIA MARKETING AREA

1. Section 1007.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1007.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1007.43 is amended by adding paragraph (e) to read as follows:

§ 1007.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1007.50 is amended by adding paragraph (d) to read as follows:

§ 1007.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1007.50(b).

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

1. Section 1011.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1011.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1011.43 is amended by adding paragraph (e) to read as follows:

§ 1011.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1011.50 is amended by adding paragraph (d) to read as follows:

§ 1011.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an

amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1011.50(b).

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. Section 1030.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1030.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1030.43 is amended by adding paragraph (e) to read as follows:

§ 1030.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1030.50 is amended by adding paragraph (d) to read as follows:

§ 1030.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1030.50(b).

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. Section 1033.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1033.40 Classes of utilization.

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- (d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1033.43 is amended by adding paragraph (f) to read as follows:

§ 1033.43 General classification rules.

(f) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1033.50 is amended by adding paragraph (g) to read as follows:

§ 1033.50 Class and component prices.

(g) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential value per hundredweight of 3.5 percent milk and rounded to the nearest cent.

4. Section 1033.53 is amended by revising paragraph (a)(2) to read as follows:

§ 1033.53 Announcement of class and component prices.

- (a) * * *
- (2) The Class III and Class III-A prices for the preceding month;

5. Section 1033.60 is amended by adding paragraph (m) to read as follows:

§ 1033.60 Computation of handlers' obligations to pool.

(m) For producer milk in Class III-A, add or subtract as appropriate an amount per hundredweight that the Class III-A price is more or less, respectively, than the Class III price.

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

1. Section 1036.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1036.40 Classes of utilization.

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- (d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1036.43 is amended by adding paragraph (e) to read as follows:

§ 1036.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1036.50 is amended by adding paragraph (g) to read as follows:

§ 1036.50 Class and component prices.

(g) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential value per hundredweight of 3.5 percent milk and rounded to the nearest cent.

4. Section 1036.53 is amended by revising paragraph (a)(2) to read as follows:

§ 1036.53 Announcement of class and component prices.

- (a) * * *
- (2) The Class III and Class III-A prices for the preceding month;

5. Section 1036.60 is amended by adding paragraph (m) to read as follows:

§ 1036.60 Computation of handlers' obligations to pool.

(m) For producer milk in Class III-A, add or subtract as appropriate an amount per hundredweight that the Class III-A price is more or less, respectively, than the Class III price.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. Section 1040.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1040.40 Classes of utilization.

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- (d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1040.43 is amended by adding paragraph (f) to read as follows:

§ 1040.43 General classification rules.

(f) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1040.50 is amended by adding paragraph (d) to read as follows:

§ 1040.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1040.50(b).

PART 1044—MILK IN THE MICHIGAN UPPER PENINSULA MARKETING AREA

1. Section 1044.22 is amended by revising paragraph (i)(1)(iii) to read as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

- (i) * * *
- (1) * * *
- (iii) The Class III and Class III-A prices for the preceding month; and
- * * * * *

2. Section 1044.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1044.40 Classes of utilization.

* * * * *

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- * * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

3. Section 1044.43 is amended by adding paragraph (f) to read as follows:

§ 1044.43 General classification rules.

* * * * *

(f) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

4. Section 1044.50 is amended by adding paragraph (d) to read as follows:

§ 1044.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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

1. Section 1046.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1046.40 Classes of utilization.

* * * * *

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- * * * * *
- (d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.
2. Section 1046.43 is amended by adding paragraph (e) to read as follows:

§ 1046.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1046.50 is amended by adding paragraph (d) to read as follows:

§ 1046.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1046.50(b).

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. Section 1049.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1049.40 Classes of utilization.

* * * * *

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- * * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1049.43 is amended by adding paragraph (e) to read as follows:

§ 1049.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1049.50 is amended by adding paragraph (g) to read as follows:

§ 1049.50 Class and component prices.

* * * * *

(g) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential value per hundredweight of 3.5 percent milk and rounded to the nearest cent.

4. Section 1049.53 is amended by revising paragraph (a)(2) to read as follows:

§ 1049.53 Announcement of class and component prices.

* * * * *

- (a) * * *
- (2) The Class III and Class III-A prices for the preceding month;
- * * * * *

5. Section 1049.60 is amended by adding paragraph (l) to read as follows:

§ 1049.60 Computation of handlers' obligations to pool.

* * * * *

(l) For producer milk in Class III-A, add or subtract as appropriate an amount per hundredweight that the Class III-A price is more or less, respectively, than the Class III price.

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

1. Section 1065.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1065.40 Classes of utilization.

* * * * *

- (c) * * *
- (1) * * *
- (iii) Any milk product in dry form, except nonfat dry milk;
- * * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1065.43 is amended by adding paragraph (e) to read as follows:

§ 1065.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1065.50 is amended by adding paragraph (d) to read as follows:

§ 1065.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1065.50(b).

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

1. Section 1068.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1068.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1068.43 is amended by adding paragraph (f) to read as follows:

§ 1068.43 General classification rules.

(f) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of

bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1068.50 is amended by adding paragraph (d) to read as follows:

§ 1068.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1068.50(b).

PART 1079—MILK IN THE IOWA MARKETING AREA

1. Section 1079.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1079.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1079.43 is amended by adding paragraph (e) to read as follows:

§ 1079.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1079.50 is amended by adding paragraph (d) to read as follows:

§ 1079.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for

the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1079.50(b).

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

1. Section 1093.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1093.40 Classes of utilization.

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1093.43 is amended by adding paragraph (e) to read as follows:

§ 1093.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1093.50 is amended by adding paragraph (d) to read as follows:

§ 1093.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1093.50(b).

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

1. Section 1094.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1094.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1094.43 is amended by adding paragraph (e) to read as follows:

§ 1094.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1094.50 is amended by adding paragraph (d) to read as follows:

§ 1094.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the

following month computed pursuant to § 1094.50(b).

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

1. Section 1096.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1096.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1096.43 is amended by adding paragraph (e) to read as follows:

§ 1096.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1096.50 is amended by adding paragraph (d) to read as follows:

§ 1096.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

4. Section 1094.53 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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1094.50(b).

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

1. Section 1099.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1099.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1099.43 is amended by adding paragraph (e) to read as follows:

§ 1099.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1099.50 is amended by adding paragraph (d) to read as follows:

§ 1099.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

4. Section 1099.53 is revised to read as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1094.50(b).

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

1. Section 1106.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1106.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1106.43 is amended by adding paragraph (e) to read as follows:

§ 1106.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1106.50 is amended by adding paragraph (d) to read as follows:

§ 1106.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1106.50(b).

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

1. Section 1108.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1108.40 Classes of utilization.

(c) ***

(1) ***

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1108.43 is amended by adding paragraph (e) to read as follows:

§ 1108.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and

the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1108.50 is amended by adding paragraph (d) to read as follows:

§ 1108.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1108.50(b).

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

1. Section 1124.40 (c)(1)(iii) and (d) are republished.

§ 1124.40 Classes of utilization.

(c) ***

(1) ***

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1124.43 (e) is republished.

§ 1124.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III use at the plant.

3. Section 1124.50, paragraph (c) is republished and paragraph (d) is revised to read as follows:

§ 1124.50 Class prices.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Western nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

4. Section 1124.53 is republished.

§ 1124.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1124.50(b).

PART 1126—MILK IN THE TEXAS MARKETING AREA

1. Section 1126.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1126.40 Classes of utilization.

(c) ***

(1) ***

(iii) Any milk product in dry form, except nonfat dry milk;

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1126.43 is amended by adding paragraph (e) to read as follows:

§ 1126.43 General classification rules.

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1126.50 is amended by adding paragraph (d) to read as follows:

§ 1126.50 Class prices.

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9

an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1126.50(b).

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

1. Section 1131.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1131.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1131.43 is amended by adding paragraph (e) to read as follows:

§ 1131.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1131.50 is amended by adding paragraph (d) to read as follows:

§ 1131.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Western nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1131.50(b).

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

1. Section 1135.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1135.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1135.43 is amended by adding paragraph (e) to read as follows:

§ 1135.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1135.50 is amended by adding paragraph (d) to read as follows:

§ 1135.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Western nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

4. Section 1135.53 is revised to read as follows:

§ 1135.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1135.50(b).

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

1. Section 1138.40 is amended by revising paragraph (c)(1)(iii) and adding paragraph (d) to read as follows:

§ 1138.40 Classes of utilization.

* * * * *

(c) * * *

(1) * * *

(iii) Any milk product in dry form, except nonfat dry milk;

* * * * *

(d) *Class III-A milk.* Class III-A milk shall be all skim milk and butterfat used to produce nonfat dry milk.

2. Section 1138.43 is amended by adding paragraph (e) to read as follows:

§ 1138.43 General classification rules.

* * * * *

(e) Class III-A milk shall be allocated in combination with Class III milk and the quantity of producer milk eligible to be priced in Class III-A shall be determined by prorating receipts from pool sources to Class III-A use on the basis of the quantity of total receipts of bulk fluid milk products allocated to Class III milk at the plant.

3. Section 1138.50 is amended by adding paragraph (d) to read as follows:

§ 1138.50 Class prices.

* * * * *

(d) *Class III-A price.* The Class III-A price for the month shall be the average Central States nonfat dry milk price for the month, as reported by the Department, less 12.5 cents, times an amount computed by subtracting from 9 an amount calculated by dividing .4 by such nonfat dry milk price, plus the butterfat differential times 35 and rounded to the nearest cent.

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 for the following month, the Class III and Class III-A prices for the preceding month, and on or before the 15th day of each month the Class II price for the following month computed pursuant to § 1138.50(b).

Dated: November 23, 1993.

Eugene Branstool,
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93-29266 Filed 11-30-93; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-AGL-8]

Proposed Establishment of Class E Airspace; Mt. Sterling, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace near Mt. Sterling, IL to accommodate a new Very High Frequency Omnidirectional Range Station-Airport (VOR-A) instrument approach procedure to Mt. Sterling Municipal Airport, Mt. Sterling, IL. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 a.t.c., January 6, 1994.

FOR FURTHER INFORMATION CONTACT:

Robert Frink, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294-7568.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, July 6, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace near Mt. Sterling, IL, to accommodate a new Very High Frequency Omnidirectional Range Station-Airport (VOR-A) instrument approach procedure to Mt. Sterling Municipal Airport, Mt. Sterling, IL (58 FR 36157). The proposal was to add controlled airspace extending from 700 feet to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. On August 17, 1993, one organization, the One Hundred Eighty Third (183D) Fighter Group of the Illinois Air National Guard (ANG) objected based on their perceived adverse impact that the establishment would have on

mission needs/requirements for low altitude training, especially within the Pruitt Military Operations Area (MOA). After consulting with Air Force Liaison in Kansas City, MO, we received on October 5, 1993, a letter advising that, in the interest of cooperating with other Illinois aviation interests, the IL ANG is willing to wait and assess the frequency and severity of mission degradation after the procedure is implemented. Further, the IL ANG is willing to work with this airport if it is determined that there is an adverse impact to either military or civil operation. Based on this letter from the Department of the Air Force, Headquarters Air Force Flight Standards Agency, the Federal Aviation Agency is proceeding with a Final rule.

Airspace Reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area" and has replaced it with the designation "Class E airspace". Other than that change in terminology, this amendment is the same as that proposed in the notice. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298, July 6, 1993). The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace at Mt. Sterling, IL, to accommodate a new Very High Frequency Omnidirectional Range Station-Airport (VOR-A) instrument approach procedure to Mt. Sterling Municipal Airport, Mt. Sterling, IL. Controlled airspace extending from 700 to 1200 feet AGL is needed to contain aircraft executing the approach.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a

routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL IL E5 Mt. Sterling, IL [New]

Mt. Sterling Municipal Airport, IL (lat. 39°59'18"N, long. 90°48'15"W)

Quincy VORTAC (lat. 39°50'53"N, long. 91°16'44"W)

That airspace extending upwards from 700 ft. above the surface within a 5-mile radius of Mt. Sterling Municipal Airport, IL, and within 2.5 miles each side of the Quincy (UNI) VORTAC 069 radial, extending from the 5-mile radius area to 6-miles west of the airport.

* * * * *

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 93-29289 Filed 11-30-93; 8:45 am]

BILLING CODE 4010-13-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 95

Gifts from Foreign Governments

AGENCY: Office of the Secretary of Defense, DoD.

ACTION: Final rule.

SUMMARY: The Foreign Gifts and Decorations Act of 1966 (5 U.S.C. 7342) requires that the minimal value requirement for reporting gifts received by U.S. employees from foreign governments be redefined every three years based on changes in the consumer price index. This administrative amendment is published to reflect the changes.

EFFECTIVE DATE: January 1, 1993.

ADDRESSES: L.M. Bynum, Correspondence and Directives Directorate, 1155 Defense Pentagon, Washington, DC 20301-1155.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 95

Foreign relations, Government employees, Government property. Accordingly, 32 CFR part 95 is amended as follows:

PART 95—GIFTS FROM FOREIGN GOVERNMENTS

1. The authority citation for part 95 continues to read as follows:

Authority: 10 U.S.C. 113.

§ 95.3 [Amended]

Appendix A to part 95 [Amended]

2. Section 95.3 the definition of *Minimal value*, and Appendix A to Part 95, section 4, are amended by revising "\$180" to read "\$225"

Dated: November 24, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93-29282 Filed 11-30-93; 8:45 am]

BILLING CODE 5000-04-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 304

Cost of Living Adjustment for Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal announces a cost of living adjustment of 2.6% in the royalty rates to be paid by public broadcasting entities licensed to colleges, universities or other nonprofit educational institutions which are not affiliated with National Public Radio, for the use of copyrighted published nondramatic musical compositions. The cost of living adjustment is an annual adjustment required by the Tribunal's rules.

EFFECTIVE DATE: The effective date is January 1, 1994.

FOR FURTHER INFORMATION CONTACT:

Chairman, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009 (202-606-4400).

SUPPLEMENTARY INFORMATION: On December 22, 1992, the Copyright Royalty Tribunal published in the *Federal Register* (57 FR 60957) final rules governing the terms and rates of copyright royalty payments with respect to certain uses by public broadcasting entities of published nondramatic musical works and published pictorial, graphic and sculptural works. It was determined in that proceeding that the royalty rate to be paid by public broadcasting entities licensed to colleges, universities and other nonprofit educational institutions which are not affiliated with National Public Radio for the use of copyrighted published nondramatic musical compositions would be adjusted each year according to changes in the Consumer Price Index. 37 CFR 304.10.

The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) during the period from the most recent Index published prior to December 1, 1992 to the most recent Index published prior to December 1, 1993 was 2.6% (1992's figure was 142.0; 1993's figure was 145.7, based on 1982-1984 equalling 100). Rounding off to the nearest dollar, the Tribunal announces an adjustment in the royalty rate to apply to the use of musical compositions in the repertory of ASCAP and BMI of \$200, each, and \$47 for the use of musical compositions in the repertory of SESAC.

List of Subjects in 37 CFR Part 304

Copyrights, Music, Radio, Television.

PART 304—[AMENDED]

1. The authority citation for part 304 continues to read as follows:

Authority: 17 U.S.C. 118 and 801 (1976).

2. 37 CFR 304.5(c) is amended by revising paragraphs (c)(1) through (c)(4).

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

* * * * *

(c) * * *

(1) For all such compositions in the repertory of ASCAP annually: \$200.

(2) For all such compositions in the repertory of BMI annually: \$200.

(3) For all such compositions in the repertory of SESAC annually: \$47.

(4) For the performance of any other such compositions: \$1.

* * * * *

Dated: November 22, 1993.

Cindy Daub,

Chairman.

[FR Doc. 93-29329 Filed 11-30-93; 8:45 am]

BILLING CODE 1410-09-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 0E3906/R2019; FRL-4648-8]

RIN 2070-AB78

Pesticide Tolerance for Dimethoate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for residues of the insecticide dimethoate in or on the raw agricultural commodity Brussels sprouts. This regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: This regulation becomes effective December 1, 1993.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 0E3906/R2019], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (7505W), Registration Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: