

additional reporting or collecting requirements. No relevant Federal rules have been identified that duplicate, overlap, or conflict with the proposed rule.

Statement of Consideration

The proposed rule, if adopted, would amend the Dairy Promotion and Research Order by modifying the number of member seats on the National Dairy Promotion and Research Board in four of the 13 geographic regions. The proposed amendment reflects milk produced within each of the 13 geographic regions of the contiguous 48 States.

The Order currently is administered by a 36-member Dairy Board

representing 13 geographic regions within the contiguous 48 States. The Order provides in § 1150.131 that the Dairy Board shall review the geographic distribution of milk production volume throughout the United States and, if warranted, shall recommend to the Secretary a reapportionment of the regions and/or modification of the number of members from regions in order to best reflect the geographic distribution of milk production in the United States. The Dairy Board is required to conduct the review at least every five years and not more than every three years.

The Order specifies the formula to be used to determine the number of Dairy

Board seats in each of the 13 geographic regions designated in the Order. Under the formula, total milk production for the contiguous 48 States for the previous calendar year is divided by 36 to determine a factor of pounds of milk represented by each Dairy Board member. The resulting factor is then divided into the pounds of milk produced in each region to determine the number of Board members for each region. Accordingly, the following table summarizes by region the volume of milk production distribution for 2002, the percentage of total milk production, the current number of Dairy Board seats per region, and the proposed number of Dairy Board seats for each region.

Region and States	Milk production (mil lbs)*	Percentage of total milk production	Current number of board seats	Proposed number of board seats
1: Oregon, Washington	7,713	4.5	1	2
2: California	34,884	20.6	6	7
3: Arizona, Colorado, Idaho, Montana, Nevada, Utah, Wyoming	16,291	9.6	3	3
4: Arkansas, Kansas, New Mexico, Oklahoma, Texas	15,313	9.0	3	3
5: Minnesota, North Dakota, South Dakota	10,447	6.2	3	2
6: Wisconsin	22,074	13.0	5	5
7: Illinois, Iowa, Missouri, Nebraska	8,971	5.3	2	2
8: Alabama, Kentucky, Louisiana, Mississippi, Tennessee	4,265	2.5	1	1
9: Indiana, Michigan, Ohio, West Virginia	13,264	7.8	3	3
10: Florida, Georgia, North Carolina, South Carolina, Virginia	7,194	4.2	2	1
11: Delaware, Maryland, New Jersey, Pennsylvania	12,492	7.4	3	3
12: New York	12,217	7.2	3	3
13: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont	4,518	2.7	1	1
Total: 48 Contiguous States	169,643	100	36	36

*Based upon preliminary 2002 data that was released in Milk Production, Distribution & Income, NASS, USDA, April 2003. This data will later be updated, revised, and finalized.

Upon the basis of its review of geographic milk production volume, the Dairy Board has proposed that the number of members in four of the 13 geographic regions be changed. The Dairy Board was last modified in 1998 based on 1997 milk production data. The current review conducted by the Dairy Board is based on 2002 data. In 2002, total milk production was 169,643 million pounds which indicates that each of the Dairy Board members would represent 4,712 million pounds of milk. For 1997, total milk production was 156,464 which indicated that each of the Board members would represent 4,346 milk pounds of milk.

Based on the 2002 milk production data, the Dairy Board proposes that member representation in Region 1 (Oregon and Washington) and Region 2 (California) each be increased by one member, and member representation in Region 5 (Minnesota, North Dakota, and South Dakota) and Region 10 (Florida, Georgia, North Carolina, South Carolina, and Virginia) each be decreased by one member. Milk production in Region 1

increased to 7,713 million pounds in 2002 up from 6,915 million pounds in 1997, indicating two Dairy Board members ($7,713 \div 4,712 = 2$) compared to one Dairy Board member based on 1997 milk production data. Milk production in Region 2 increased in 2002 to 34,884 million pounds up from 27,628 million pounds in 1997, indicating seven Dairy Board members for the region ($34,884 \div 4,712 = 7$) compared to 6 Dairy Board members based on the 1997. Also, in Region 5, milk production decreased to 10,447 million pounds in 2002 down from 11,307 million pounds in 1997, indicating two Dairy Board members ($10,447 \div 4,712 = 2$) compared to three Board members based on 1997 milk production data. Additionally, milk production in Region 10 decreased to 7,194 million pounds in 2002 down from 7,523 million pounds in 1997, indicating one Dairy Board member for the region ($7,194 \div 4,712 = 1$) compared to two members based on 1997 data.

Accordingly, it is proposed that member representation in Region 1 be increased from one member to two members, Region 2 representation be increased from six members to seven members, Region 5 representation be decreased from three members to two members, and Region 10 representation be decreased from two members to one member to reflect the geographic distribution of milk production within the contiguous 48 States.

A 14-day comment period is provided for interested persons to comment on this proposed rule. Twelve terms of existing Dairy Board members will expire on October 31, 2003. Thus, a 14-day comment period is provided to allow for a timely appointment of new Dairy Board members based on the current geographic distribution of milk production in the contiguous 48 States.

List of Subjects in 7 CFR Part 1150

Dairy Products, Milk, Promotion, Research.