

seek to, among other things, end the regulatory exemption of producer-handlers from the pooling and pricing provisions of these two milk marketing orders if their Class I route distribution exceeds three million pounds of milk per month in either order.

**DATES:** The hearing will reconvene at 8:30 a.m. on Monday, November 17, 2003.

**ADDRESSES:** The reconvened hearing will be held at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway S., Seattle, Washington 98188, telephone: (206) 246-8600.

**FOR FURTHER INFORMATION CONTACT:** Jack Rower, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, STOP 0231—Room 2971, 1400 Independence Avenue, Washington, DC 20250-0231, (202) 720-2357, e-mail address [jack.rower@usda.gov](mailto:jack.rower@usda.gov).

Persons requiring a sign language interpreter or other special accommodations should contact Gary Jablonski at (425) 487-6009 or [gjablonski@fmmaseattle.com](mailto:gjablonski@fmmaseattle.com) before the hearing begins.

**SUPPLEMENTARY INFORMATION:**

Prior documents in this proceeding: Notice of Hearing: Issued July 31, 2003; published August 6, 2003 (68 FR 46505).

Correction to Notice of Hearing: Issued August 20, 2003; published August 26, 2003 (68 FR 51202).

Notice is hereby given that the hearing which was adjourned in Tempe, Arizona, on September 25, 2003, by the Administrative Law Judge designated to hold said hearing and preside thereof, will reconvene in session at 8:30 a.m., November 17, 2003, at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway S., Seattle, Washington 98188. At the reconvened hearing, additional testimony will be received on proposed amendments 1 through 5, listed in the initial hearing notice (68 FR 46505) as corrected (68 FR 51202) to the tentative marketing agreements and to the orders regulating the handling of milk in the Arizona-Las Vegas and Pacific Northwest marketing areas.

**List of Subjects in 7 CFR Parts 1124 and 1131**

Milk marketing orders.

**Authority:** 7 U.S.C. 601-674.

**Dated:** October 27, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

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**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 1135**

[Docket No. AO-380-A18; DA-01-08-W]

**Milk in the Western Marketing Area; Referendum Order and Extension of Time for Filing Comments; Determination of Representative Period and Designation of Referendum Agent**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum Order and extension of time for filing comments.

**SUMMARY:** This notice orders that a referendum be conducted to determine whether producers favor issuance of the order regulating the handling of milk in the Western marketing area, as amended in the tentative final decision issued by the Administrator on August 8, 2003, and published in the *Federal Register* on August 18, 2003 (68 FR 49375). Producer approval could not be determined by a polling of cooperatives. Additionally, this document extends the time for filing comments to the tentative final decision for the Western marketing area until April 1, 2004.

**DATES:** The referendum is to be completed on or before 30 days after publication in the *Federal Register* and comments on the Western order are now due on April 1, 2004.

**ADDRESSES:** Comments (six copies) should be filed with the Hearing Clerk, Room 1083-STOP 9200, 1400 Independence Avenue, SW., South Building, United States Department of Agriculture, Washington, DC 20250-9200.

**FOR FURTHER INFORMATION CONTACT:**

Gino M. Tosi, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, Room 2971—Stop 0231, 1400 Independence Avenue, SW., Washington, DC 20250-0231, (202) 690-1366, e-mail address: [gino.tosi@usda.gov](mailto:gino.tosi@usda.gov).

**SUPPLEMENTARY INFORMATION:** Prior documents in this proceeding:

Notice of Hearing: Issued February 26, 2002; published March 4, 2002 (67 FR 9622).

Tentative Final Decision: Issued on August 8, 2003; published August 18, 2003 (68 FR 49375).

On August 8, 2003, the Administrator issued a tentative final decision on proposed amendments to the Pacific Northwest and Western milk marketing orders. Comments on the tentative final

decision were requested by October 17, 2003, and producer approval was to be determined through a polling of cooperatives. The polling of cooperatives was completed on October 6, 2003, for the Western milk marketing order and producer approval could not be ascertained.

Notice is hereby given that the time for filing comments to the Western milk marketing order as amended by the tentative final decision is hereby extended from October 17, 2003, to April 1, 2004, and that a referendum will be conducted to determine producer approval of the Western order as amended.

Several parties requested that the filing of comments on the Western order be extended indefinitely because producer approval could not be ascertained based on the polling of cooperatives that was held for the Western milk marketing order as amended by the tentative final decision. Requesters stated that submission of comments by the October 17, 2003, date would be premature.

Since a referendum is being conducted to determine producer approval of the Western order as amended, it is appropriate to delay comment submissions on the Western milk marketing order. Comments are now due on April 1, 2004. This extension of time for filing comments only applies to the Western order and comments on the tentative final decision amendments to the Pacific Northwest milk marketing order must be postmarked on or before October 17, 2003, as stated in the tentative final decision.

This notice is issued 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).

**Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent**

It is hereby directed that a referendum be conducted to determine whether the issuance of the order regulating the handling of milk in the Western marketing area, as amended by the tentative final decision issued on August 8, 2003, and published on August 18, 2003 (68 FR 49375), is approved by at least two-thirds of the producers, or by producers that represent at least two-thirds of the total milk produced during the representative period.