issues resolved by the settlement agreement.

(e) At the outset of mediation, the parties must agree to mediate in good faith. NRCS demonstrates good faith in the mediation process by, among other things:

(1) Designating an NRCS representative in the mediation;

(2) Making pertinent records available for review and discussion during the mediation; and

(3) To the extent the NRCS representative does not have authority to bind the agency, directing the NRCS representative to forward in a timely manner any written agreement proposed in mediation to the appropriate NRCS official for consideration.

(f) *Mediator impartiality.* (1) No person may serve as mediator in an adverse program dispute who has previously served as an advocate or representative for any party in the mediation.

(2) No person serving as mediator in an adverse program dispute may thereafter serve as an advocate for a participant in any other proceeding arising from or related to the mediated dispute, including, without limitation, representation of a mediation participant before an administrative appeals entity of USDA or any other Federal agency.

(g) *Confidentiality.* Mediation is a confidential process except for those limited exceptions permitted by the Administrative Dispute Resolution Act at 5 U.S.C. 574. All notes taken by participants (Mediator, Management Representative, Disputants, and Disputants' Representative) during the mediation must be destroyed. As a condition of participation, the participants and any interested parties joining the mediation must agree to the confidentiality of the mediation process. The parties to mediation, including the mediator, will not testify in administrative or judicial proceedings concerning the issues discussed in mediation, nor submit any report or record of the mediation discussions, other than the mediation agreement or the mediation report, except as required by law.

§ 614.12 Transcripts.

(a) No recordings shall be made of any hearing conducted under § 614.9. In order to obtain an official record of a hearing, a participant may obtain a verbatim transcript as provided in paragraph (b) of this section.

(b) Any party to an informal hearing appeal under § 614.9 may request that a verbatim transcript is made of the hearing proceedings and that such transcript is made the official record of the hearing. The party requesting a verbatim transcript must pay for the transcription service and provide a copy of the transcript to NRCS at no charge.

§ 614.13 Appealability review.

A participant may request a review of a decision denying an appeal based upon appealability by submitting a written request to the appropriate State Conservationist as indicated in the decision notice. This written request must be received by the State Conservationist within 30 calendar days from the date the participant received notice from NRCS that a decision was not appealable. The State Conservationist will render a decision on appealability within 30 days of receipt of the participant's review request. In the alternative, the participant may request review of the appealability decision by NAD pursuant to 7 CFR part 11.

§ 614.14 Computation of time.

(a) The word ''days'' as used in this part means calendar days, unless specifically stated otherwise.

(b) Deadlines for any action under this part, including deadlines for filing and decisions, which fall on a Saturday, Sunday, federal holiday or other day on which the relevant NRCS office is closed during normal business hours, will be extended to close of business the next working day.

§ 614.15 Implementation of final agency decisions.

No later than 30 days after an agency decision becomes a final administrative decision of USDA, NRCS will implement the decision.

§ 614.16 Participation of third parties in NRCS proceedings.

When an appeal is filed under this part, NRCS will notify any party third party whose interests may be affected of the right to participate as an appellant in the appeal. If the third party declines to participate then NRCS's decision will be binding as to that third party as if the party had participated.

§ 614.17 Judicial review.

A participant must receive a final determination from NAD pursuant to 7 CFR part 11 prior to seeking judicial review.

Signed in Washington, DC, on May 8, 2006.

Bruce I. Knight,

Chief, Natural Resources Conservation Service, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 06–4572 Filed 5–15–06; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

[Docket No. AO–14–A75, et al.; DA–06–06]

Milk in the Northeast and Other Marketing Areas; Order Amending Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; re-interpretation.

SUMMARY: This final rule amends the current ten Federal milk marketing orders issued under the Agricultural Marketing Agreement Act of 1937 (AMAA) to reflect a re-interpretation of the Milk Regulatory Equity Act of 2005, that was signed into law on April 11, 2006. Each order is amended to change the ''April 11, 2006'' in § 1___.7 to ''May 1, 2006.''

7 CFR parts	Marketing area	AO Nos.
1001 ...	Northeast	AO–14–A75
1005 ...	Appalachian	AO–388–A19
1006 ...	Florida	AO–356–A40
1007 ...	Southeast	AO–366–A48
1030 ...	Upper Midwest	AO–361–A41
1032 ...	Central	AO–313–A50
1033 ...	Mideast	AO–166–A74
1124 ...	Pacific Northwest ..	AO–368–A36
1126 ...	Southwest	AO–231–A69
1131 ...	Arizona	AO–271–A41

DATES: *Effective Date:* May 1, 2006.

FOR FURTHER INFORMATION CONTACT: Gino M. Tosi, Associate Deputy Administrator for Order Formulation and Enforcement, USDA/AMS/Dairy Programs, Stop 0231–Room 2971–S, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 690–1366, e-mail address: *gino.tosi@usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule re-interprets the provisions of the Milk Regulatory Equity Act of 2005 (Pub. L. 109–215, 120 Stat. 328), that amended the Agricultural Marketing Agreement Act of 1937 (AMAA).

Due to the ambiguity of the legislative language and the Congressional intent as reflected in the floor debate and elsewhere, the Department has determined that the Federal milk marketing orders should be amended to reflect the complete removal of Nevada from any marketing area.

Prior documents in this proceeding:

Final Rule: Issued April 25, 2006; Published May 1, 2006 (71 FR 25495).

List of Subjects in 7 CFR Parts 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131

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 the orders, as hereby amended.

■ For the reasons set forth in the preamble and under the authority set for in Public Law 109–215, 120 Stat. 328, 7 CFR parts 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131 are amended as follows:

■ 1. The authority citation for 7 CFR parts 1001, 1005, 1006, 1007, 1030, 1032, 1033, 1124, 1126, and 1131 continues to read as follows:

Authority: 7 U.S.C. 601–674, 7253, and P.L. 109–215, 120 Stat. 328.

PART 1001—MILK IN THE NORTHEAST MARKETING AREA

■ 2. Revise § 1001.7(d) introductory text to read as follows:

§ 1001.7 Pool plant.

* * * * *

(d) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1001.2;

* * * * *

PART 1005—MILK IN THE APPALACHIAN MARKETING AREA

■ 3. Revise § 1005.7(g) introductory text to read as follows:

§ 1005.7 Pool plant.

* * * * *

(g) Any distributing plant other than a plant qualified as a pool plant pursuant to paragraph § 1005.(7)(a) or paragraph (b) of this section or § ___.7(b) of any other Federal milk order or § 1005.(7)(e) or § 1000.(8)(a) or § 1000.(8)(e); located within the marketing area as described on May 1, 2006, in § 1005.2, from which there is route disposition and/or transfers of packaged fluid milk products in any non-Federally regulated marketing area(s) located within one or more States that require handlers to pay minimum prices for raw milk provided that 25 percent or more of the total quantity of fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) is disposed of as route disposition and/or is transferred in the form of packaged fluid milk products to other plants. At least 25 percent of such route disposition and/or transfers, in aggregate, are in any non-Federally regulated marketing area(s) located within one or more States that require handlers to pay minimum prices for raw milk. Subject to the following exclusion:

* * * * *

PART 1006—MILK IN THE FLORIDA MARKETING AREA

■ 4. Revise § 1006.7(h) introductory text to read as follows:

§ 1006.7 Pool plant.

* * * * *

(h) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1006.2;

* * * * *

PART 1007—MILK IN THE SOUTHEAST MARKETING AREA

■ 5. Revise § 1007.7(h) introductory text to read as follows:

§ 1007.7 Pool plant.

* * * * *

(h) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1007.2;

* * * * *

PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA

■ 6. Revise § 1030.7(d) introductory text to read as follows:

§ 1030.7 Pool plant.

* * * * *

(d) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1030.2;

* * * * *

PART 1032—MILK IN THE CENTRAL MARKETING AREA

■ 7. Revise § 1032.7(i) introductory text to read as follows:

§ 1032.7 Pool plant.

* * * * *

(i) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1032.2;

* * * * *

PART 1033—MILK IN THE MIDEAST MARKETING AREA

■ 8. Revise § 1033.7(j) introductory text to read as follows:

§ 1033.7 Pool plant.

* * * * *

(j) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1033.2;

* * * * *

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

■ 9. Revise § 1124.7(e) introductory text to read as follows:

§ 1124.7 Pool plant.

* * * * *

(e) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1124.2;

* * * * *

PART 1126—MILK IN THE SOUTHWEST MARKETING AREA

■ 10. Revise § 1126.7(h) introductory text to read as follows:

§ 1126.7 Pool plant.

* * * * *

(h) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1126.2;

* * * * *

PART 1131—MILK IN THE ARIZONA MARKETING AREA

■ 11. Revise the part heading for part 1131 to read as set forth above.

§ 1131.2 [Amended]

■ 12. Revise the section heading for § 1131.2 to read as follows:

§ 1131.2 Arizona marketing area.

■ 13. Revise § 1131.7(h) introductory text to read as follows:

§ 1131.7 Pool plant.

* * * * *

(h) Any distributing plant, located within the marketing area as described on May 1, 2006, in § 1131.2;

* * * * *

Dated: May 12, 2006.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. 06–4590 Filed 5–12–06; 10:25 am]

BILLING CODE 3410–02–P