

## § 1000.78

in money due the market administrator from a handler, or due a handler from the market administrator, or due a producer or cooperative association from a handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which the error(s) occurred.

### **§ 1000.78 Charges on overdue accounts.**

Any unpaid obligation due the market administrator, producers, or cooperative associations from a handler pursuant to the provisions of the order shall be increased 1.0 percent each month beginning with the day following the date such obligation was due under the order. Any remaining amount due shall be increased at the same rate on the corresponding day of each succeeding month until paid. The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation and shall include any unpaid charges previously computed pursuant to this section. The late charges shall accrue to the administrative assessment fund. For the purpose of this section, any obligation that was determined at a date later than prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

## **Subpart I—Administrative Assessment and Marketing Service Deduction**

### **§ 1000.85 Assessment for order administration.**

On or before the payment receipt date specified under § \_\_\_\_\_ .71 of each Federal milk order each handler shall pay to the market administrator its pro rata share of the expense of administration of the order at a rate specified by the market administrator that is no more than 5 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler

## **7 CFR Ch. X (1-1-09 Edition)**

described in § 1000.9(c) that were delivered to pool plants of other handlers;

(b) Receipts from a handler described in § 1000.9(c);

(c) Receipts of concentrated fluid milk products from unregulated supply plants and receipts of nonfluid milk products assigned to Class I use pursuant to § 1000.43(d) and other source milk allocated to Class I pursuant to § 1000.44(a) (3) and (8) and the corresponding steps of § 1000.44(b), except other source milk that is excluded from the computations pursuant to § \_\_\_\_\_ .60 (d) and (e) of parts 1005, 1006, and 1007 of this chapter or § \_\_\_\_\_ .60 (h) and (i) of parts 1001, 1030, 1032, 1033, 1124, 1126, 1131, and 1135 of this chapter; and

(d) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the skim milk and butterfat subtracted pursuant to § 1000.76(a)(1) (i) and (ii).

### **§ 1000.86 Deduction for marketing services.**

(a) Except as provided in paragraph (b) of this section, each handler in making payments to producers for milk (other than milk of such handler's own production) pursuant to § \_\_\_\_\_ .73 of each Federal milk order shall deduct an amount specified by the market administrator that is no more than 7 cents per hundredweight and shall pay the amount deducted to the market administrator not later than the payment receipt date specified under § \_\_\_\_\_ .71 of each Federal milk order. The money shall be used by the market administrator to verify or establish weights, samples and tests of producer milk and provide market information for producers who are not receiving such services from a cooperative association. The services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to the market administrator.

(b) In the case of producers for whom the market administrator has determined that a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make deductions from the payments to be made to producers as may be authorized by the

**Agricultural Marketing Service, USDA**

**Pt. 1001**

membership agreement or marketing contract between the cooperative association and the producers. On or before the 15th day after the end of the month (except as provided in §1000.90), such deductions shall be paid to the cooperative association rendering the services accompanied by a statement showing the amount of any deductions and the amount of milk for which the deduction was computed for each producer. These deductions shall be made in lieu of the deduction specified in paragraph (a) of this section.

**Subpart J—Miscellaneous Provisions**

**§ 1000.90 Dates.**

If a date required for a payment contained in a Federal milk order falls on a Saturday, Sunday, or national holiday, such payment will be due on the next day that the market administrator's office is open for public business.

**§§ 1000.91–1000.92 [Reserved]**

**§ 1000.93 OMB control number assigned pursuant to the Paperwork Reduction Act.**

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) under the provisions of Title 44 U.S.C. chapter 35 and have been assigned OMB control number 0581–0032.

**PART 1001—MILK IN THE NORTHEAST MARKETING AREA**

**Subpart—Order Regulating Handling**

**GENERAL PROVISIONS**

Sec.  
1001.1 General provisions.

**DEFINITIONS**

1001.2 Northeast marketing area.  
1001.3 Route disposition.  
1001.4 Plant.  
1001.5 Distributing plant.  
1001.6 Supply plant.  
1001.7 Pool plant.  
1001.8 Nonpool plant.  
1001.9 Handler.  
1001.10 Producer-handler.  
1001.11 [Reserved]  
1001.12 Producer.

1001.13 Producer milk.  
1001.14 Other source milk.  
1001.15 Fluid milk product.  
1001.16 Fluid cream product.  
1001.17 [Reserved]  
1001.18 Cooperative association.  
1001.19 Commercial food processing establishment.

**HANDLER REPORTS**

1001.30 Reports of receipts and utilization.  
1001.31 Payroll reports.  
1001.32 Other reports.

**CLASSIFICATION OF MILK**

1001.40 Classes of utilization.  
1001.41 [Reserved]  
1001.42 Classification of transfers and diversions.  
1001.43 General classification rules.  
1001.44 Classification of producer milk.  
1001.45 Market administrator's reports and announcements concerning classification.

**CLASS PRICES**

1001.50 Class prices, component prices, and advanced pricing factors.  
1001.51 Class I differential and price.  
1001.52 Adjusted Class I differentials.  
1001.53 Announcement of class prices, component prices, and advanced pricing factors.  
1001.54 Equivalent price.

**PRODUCER PRICE DIFFERENTIAL**

1001.60 Handler's value of milk.  
1001.61 Computation of producer price differential.  
1001.62 Announcement of producer prices.

**PAYMENTS FOR MILK**

1001.70 Producer-settlement fund.  
1001.71 Payments to the producer-settlement fund.  
1001.72 Payments from the producer-settlement fund.  
1001.73 Payments to producers and to cooperative associations.  
1001.74 [Reserved]  
1001.75 Plant location adjustments for producer milk and nonpool milk.  
1001.76 Payments by a handler operating a partially regulated distributing plant.  
1001.77 Adjustment of accounts.  
1001.78 Charges on overdue accounts.

**ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION**

1001.85 Assessment for order administration.  
1001.86 Deduction for marketing services.

**AUTHORITY:** 7 U.S.C. 601–674, and 7253.

**SOURCE:** 64 FR 47954, Sept. 1, 1999, unless otherwise noted.