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# CODE OF FEDERAL REGULATIONS

# Title 7
## Agriculture

Parts 1000 to 1199

Revised as of January 1, 2012

Containing a codification of documents
of general applicability and future effect

As of January 1, 2012

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# Table of Contents


| | Page |
|---|---|
| Explanation | v |
| Title 7: | |
| SUBTITLE B—Regulations of the Department of Agriculture (Continued) | |
| Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture | 5 |
| Finding Aids: | |
| Table of CFR Titles and Chapters | 231 |
| Alphabetical List of Agencies Appearing in the CFR | 251 |
| List of CFR Sections Affected | 261 |

*Cite this Code:* CFR

*To cite the regulations in this volume use title, part and section number. Thus,* 7 CFR 1000.1 *refers to title 7, part 1000, section 1.*

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Title 1 through Title 16.....as of January 1
Title 17 through Title 27.....as of April 1
Title 28 through Title 41.....as of July 1
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RAYMOND A. MOSLEY,
*Director*,
*Office of the Federal Register*.
*January 1, 2012*.

## THIS TITLE

Title 7—AGRICULTURE is composed of fifteen volumes. The parts in these volumes are arranged in the following order: Parts 1–26, 27–52, 53–209, 210–299, 300–399, 400–699, 700–899, 900–999, 1000–1199, 1200–1599, 1600–1759, 1760–1939, 1940–1949, 1950–1999, and part 2000 to end. The contents of these volumes represent all current regulations codified under this title of the CFR as of January 1, 2012.

The Food and Nutrition Service current regulations in the volume containing parts 210–299, include the Child Nutrition Programs and the Food Stamp Program. The regulations of the Federal Crop Insurance Corporation are found in the volume containing parts 400–699.

All marketing agreements and orders for fruits, vegetables and nuts appear in the one volume containing parts 900–999. All marketing agreements and orders for milk appear in the volume containing parts 1000–1199.

For this volume, Susannah C. Hurley was Chief Editor. The Code of Federal Regulations publication program is under the direction of Michael L. White, assisted by Ann Worley.

# Title 7—Agriculture

(This book contains parts 1000 to 1199)

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SUBTITLE B—REGULATIONS OF THE DEPARTMENT OF AGRICULTURE (CONTINUED)

*Part*

CHAPTER X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture ..... 1000

# Subtitle B—Regulations of the Department of Agriculture (Continued)

# CHAPTER X—AGRICULTURAL MARKETING SERVICE (Marketing Agreements and Orders; Milk), DEPARTMENT OF AGRICULTURE


| *Part* | | *Page* |
|---|---|---|
| 1000 | General provisions of Federal milk marketing orders | 7 |
| 1001 | Milk in the Northeast marketing area | 47 |
| 1002–1004 | [Reserved] | |
| 1005 | Milk in the Appalachian marketing area | 60 |
| 1006 | Milk in the Florida marketing area | 79 |
| 1007 | Milk in the Southeast marketing area | 91 |
| 1011–1013 | [Reserved] | |
| 1030 | Milk in the Upper Midwest marketing area | 113 |
| 1032 | Milk in the Central marketing area | 127 |
| 1033 | Milk in the Mideast marketing area | 140 |
| 1036–1120 | [Reserved] | |
| 1124 | Milk in the Pacific Northwest marketing area | 153 |
| 1125 | [Reserved] | |
| 1126 | Milk in the Southwest marketing area | 167 |
| 1131 | Milk in the Arizona marketing area | 178 |
| 1132–1134 | [Reserved] | |
| 1135 | Milk in the Western marketing area | 190 |
| 1136–1140 | [Reserved] | |
| 1145 | Dairy Forward Pricing Program | 190 |
| 1150 | Dairy Promotion Program | 191 |
| 1151–1159 | [Reserved] | |
| 1160 | Fluid Milk Promotion Program | 209 |
| 1161–1169 | [Reserved] | |
| 1170 | Dairy product mandatory reporting | 223 |
| 1171–1199 | [Reserved] | |

# PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

### Subpart A—Scope and Purpose

Sec.

1000.1 Scope and purpose of this part 1000.

### Subpart B—Definitions

1000.2 General definitions.
1000.3 Route disposition.
1000.4 Plant.
1000.5 Distributing plant.
1000.6 Supply plant.
1000.8 Nonpool plant.
1000.9 Handler.
1000.14 Other source milk.
1000.15 Fluid milk product.
1000.16 Fluid cream product.
1000.17 [Reserved]
1000.18 Cooperative association.
1000.19 Commercial food processing establishment.

### Subpart C—Rules of Practice and Procedure Governing Market Administrators

1000.25 Market administrator.

### Subpart D—Rules Governing Order Provisions

1000.26 Continuity and separability of provisions.

### Subpart E—Rules of Practice and Procedure Governing Handlers

1000.27 Handler responsibility for records and facilities.
1000.28 Termination of obligations.

### Subpart F—Classification of Milk

1000.40 Classes of utilization.
1000.41 [Reserved]
1000.42 Classification of transfers and diversions.
1000.43 General classification rules.
1000.44 Classification of producer milk.
1000.45 Market administrator's reports and announcements concerning classification.

### Subpart G—Class Prices

1000.50 Class prices, component prices, and advanced pricing factors.
1000.51 [Reserved]
1000.52 Adjusted Class I differentials.
1000.53 Announcement of class prices, component prices, and advanced pricing factors.
1000.54 Equivalent price.

### Subpart H—Payments for Milk

1000.70 Producer-settlement fund.
1000.76 Payments by a handler operating a partially regulated distributing plant.
1000.77 Adjustment of accounts.
1000.78 Charges on overdue accounts.

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

1000.85 Assessment for order administration.
1000.86 Deduction for marketing services.

### Subpart J—Miscellaneous Provisions

1000.90 Dates.
1000.91–1000.92 [Reserved]
1000.93 OMB control number assigned pursuant to the Paperwork Reduction Act.

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

SOURCE: 64 FR 47899, Sept. 1, 1999, unless otherwise noted.

## Subpart A—Scope and Purpose

### § 1000.1 Scope and purpose of this part 1000.

This part sets forth certain terms, definitions, and provisions which shall be common to and apply to Federal milk marketing order in 7 CFR, chapter X, except as specifically defined otherwise, or modified, or otherwise provided, in an individual order in 7 CFR, chapter X.

## Subpart B—Definitions

### § 1000.2 General definitions.

(a) *Act* means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

(b) *Order* or *Federal milk order* means the applicable part of 7 CFR, chapter X, issued pursuant to Section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department* means the U.S. Department of Agriculture.

(d) *Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) *Person* means any individual, partnership, corporation, association, or other business unit.

### § 1000.3 Route disposition.

*Route disposition* means a delivery to a retail or wholesale outlet (except a plant), either directly or through any distribution facility (including disposition from a plant store, vendor, or vending machine) of a fluid milk product in consumer-type packages or dispenser units classified as Class I milk.

### § 1000.4 Plant.

(a) Except as provided in paragraph (b) of this section, *plant* means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed, or packaged, including a facility described in paragraph (b)(2) of this section if the facility receives the milk of more than one dairy farmer.

(b) Plant shall not include:

(1) A separate building without stationary storage tanks that is used only as a reload point for transferring bulk milk from one tank truck to another or a separate building used only as a distribution point for storing packaged fluid milk products in transit for route disposition; or

(2) An on-farm facility operated as part of a single dairy farm entity for the separation of cream and skim or the removal of water from milk.

### § 1000.5 Distributing plant.

*Distributing plant* means a plant that is approved by a duly constituted regulatory agency for the handling of Grade A milk at which fluid milk products are processed or packaged and from which there is route disposition or transfers of packaged fluid milk products to other plants.

### § 1000.6 Supply plant.

*Supply plant* means a plant approved by a duly constituted regulatory agency for the handling of Grade A milk that receives milk directly from dairy farmers and transfers or diverts fluid milk products to other plants or manufactures dairy products on its premises.

### § 1000.8 Nonpool plant.

*Nonpool plant* means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) *A plant fully regulated under another Federal order* means a plant that is fully subject to the pricing and pooling provisions of another Federal order.

(b) *Producer-handler plant* means a plant operated by a producer-handler as defined under any Federal order.

(c) *Partially regulated distributing plant* means a nonpool plant that is not a plant fully regulated under another Federal order, a producer-handler plant, or an exempt plant, from which there is route disposition in the marketing area during the month.

(d) *Unregulated supply plant* means a supply plant that does not qualify as a pool supply plant and is not a plant fully regulated under another Federal order, a producer-handler plant, or an exempt plant.

(e) *An exempt plant* means a plant described in this paragraph that is exempt from the pricing and pooling provisions of any order provided that the operator of the plant files reports as prescribed by the market administrator of any marketing area in which the plant distributes packaged fluid milk products to enable determination of the handler's exempt status:

(1) A plant that is operated by a governmental agency that has no route disposition in commercial channels;

(2) A plant that is operated by a duly accredited college or university disposing of fluid milk products only through the operation of its own facilities with no route disposition in commercial channels;

(3) A plant from which the total route disposition is for individuals or institutions for charitable purposes without remuneration; or

(4) A plant that has route disposition and packaged sales of fluid milk products to other plants of 150,000 pounds or less during the month.

### § 1000.9 Handler.

*Handler* means:

(a) Any person who operates a pool plant or a nonpool plant.

(b) Any person who receives packaged fluid milk products from a plant for resale and distribution to retail or wholesale outlets, any person who as a broker negotiates a purchase or sale of fluid milk products or fluid cream products from or to any pool or nonpool plant, and any person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant. Persons who qualify as handlers only under this paragraph under any Federal milk order are not subject to the payment provisions of §§_____.70, _____.71, _____.72, _____.73, _____.76, and _____.85 of that order.

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer and delivers to pool plants or diverts to nonpool plants pursuant to §_____.13 of the order. The operator of a pool plant receiving milk from a cooperative association may be the handler for such milk if both parties notify the market administrator of this agreement prior to the time that the milk is delivered to the pool plant and the plant operator purchases the milk on the basis of farm bulk tank weights and samples.

### § 1000.14 Other source milk.

*Other source milk* means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk fluid cream products from any source other than producers, handlers described in §1000.9(c) and §1135.11, or pool plants;

(b) Products (other than fluid milk products, fluid cream products, and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(c) Receipts of any milk product (other than a fluid milk product or a fluid cream product) for which the handler fails to establish a disposition.

### § 1000.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, *fluid milk product* shall mean any milk products in fluid or frozen form that are intended to be used as beverages containing less than 9 percent butterfat and 6.5 percent or more nonfat solids or 2.25 percent or more true milk protein. Sources of such nonfat solids/protein include but are not limited to: Casein, whey protein concentrate, milk protein concentrate, dry whey, caseinates, lactose, and any similar dairy derived ingredient. Such products include, but are not limited to: Milk, fat-free milk, lowfat milk, light milk, reduced fat milk, milk drinks, eggnog and cultured buttermilk, including any such beverage products that are flavored, cultured, modified with added or reduced nonfat solids, sterilized, concentrated, or reconstituted. As used in this part, the term concentrated milk means milk that contains not less than 25.5 percent, and not more than 50 percent, total milk solids.

(b) The term fluid milk product shall not include:

(1) Any product that contains less than 6.5 percent nonfat milk solids and contains less than 2.25 percent true milk protein; whey; plain or sweetened evaporated milk/skim milk; sweetened condensed milk/skim milk; yogurt containing beverages with 20 or more percent yogurt by weight and kefir; products especially prepared for infant feeding or dietary use (meal replacement) that are packaged in hermetically sealed containers; and products that meet the compositional standards specified in paragraph (a) of this section but contain no fluid milk products included in paragraph (a) of this section.

(2) The quantity of skim milk equivalent in any modified product specified in paragraph (a) of this section that is greater than an equal volume of an unmodified product of the same nature and butterfat content.

[64 FR 47899, Sept. 1, 1999, as amended at 75 FR 51931, Aug. 24, 2010]

### § 1000.16 Fluid cream product.

*Fluid cream product* means cream (other than plastic cream or frozen cream), including sterilized cream, or a mixture of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

### § 1000.17 [Reserved]

### § 1000.18 Cooperative association.

*Cooperative association* means any cooperative marketing association of producers which the Secretary determines is qualified under the provisions of the Capper-Volstead Act, has full authority in the sale of milk of its members, and is engaged in marketing milk or milk products for its members. A federation of 2 or more cooperatives incorporated under the laws of any state will be considered a cooperative association under any Federal milk order if all member cooperatives meet the requirements of this section.

### § 1000.19 Commercial food processing establishment.

*Commercial food processing establishment* means any facility, other than a milk plant, to which fluid milk products and fluid cream products are disposed of, or producer milk is diverted, that uses such receipts as ingredients in food products and has no other disposition of fluid milk products other than those received in consumer-type packages (1 gallon or less). Producer milk diverted to commercial food processing establishments shall be subject to the same provisions relating to diversions to plants, including, but not limited to, §§_____.13 and _____.52 of each Federal milk order.

## Subpart C—Rules of Practice and Procedure Governing Market Administrators

### § 1000.25 Market administrator.

(a) *Designation.* The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to each order under his/her administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Maintain and invest funds outside of the United States Department of the Treasury for the purpose of administering the order;

(3) Make rules and regulations to effectuate the terms and provisions of the order;

(4) Receive, investigate, and report complaints of violations to the Secretary; and

(5) Recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his/her administration, including, but not limited to, the following:

(1) Employ and fix the compensation of persons necessary to enable him/her to exercise the powers and perform the duties of the office;

(2) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, all expenses necessarily incurred in the maintenance and functioning of the office and in the performance of the duties of the office, including the market administrator's compensation;

(3) Keep records which will clearly reflect the transactions provided for in the order and upon request by the Secretary, surrender the records to a successor or such other person as the Secretary may designate;

(4) Furnish information and reports requested by the Secretary and submit office records for examination by the Secretary;

(5) Announce publicly at his/her discretion, unless otherwise directed by the Secretary, by such means as he/she deems appropriate, the name of any handler who, after the date upon which the handler is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.27;

(6) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers as copies of income tax

reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order), by examining such handler's milk handling facilities, and by such other investigation as the market administrator deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect;

(7) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(8) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

## Subpart D—Rules Governing Order Provisions

### § 1000.26 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of the order whenever he/she finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order the market administrator, or such other liquidating agent designated by the Secretary, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his/her possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(2) If a liquidating agent is so designated, all assets and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

(e) *Separability of provisions.* If any provision of the order or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of the order to other persons or circumstances shall not be affected thereby.

## Subpart E—Rules of Practice and Procedure Governing Handlers

### § 1000.27 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of its operations and make such records and its facilities available to the market administrator. If adequate records of a handler, or of any other persons, that are relevant to the obligation of such handler are not maintained and made available, any skim milk and butterfat required to be reported by such handler for which adequate records are not available shall be considered as used in the highest-priced class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of its

operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order and if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers, and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* Each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary, or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his/her duties.

(c) *Retention of records.* All records required under the order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

### § 1000.28 Termination of obligations.

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's report of receipts and utilization on which such obligation is based, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under the order, to make available to the market administrator all records required by the order to be made available, the market administrator may notify the handler in writing, within the 2-year period provided for in paragraph (a) of this section, of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the order to

pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 through 900.71) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims is due under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

## Subpart F—Classification of Milk

### § 1000.40 Classes of utilization.

Except as provided in § 1000.42, all skim milk and butterfat required to be reported pursuant to §——.30 of each Federal milk order shall be classified as follows:

(a) *Class I milk* shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products, except as otherwise provided in this section;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) In shrinkage assigned pursuant to § 1000.43(b).

(b) *Class II milk* shall be all skim milk and butterfat:

(1) In fluid milk products in containers larger than 1 gallon and fluid cream products disposed of or diverted to a commercial food processing establishment if the market administrator is permitted to audit the records of the commercial food processing establishment for the purpose of verification. Otherwise, such uses shall be Class I;

(2) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, dry curd cottage cheese, ricotta cheese, pot cheese, Creole cheese, and any similar soft, high-moisture cheese resembling cottage cheese in form or use;

(ii) Milkshake and ice milk mixes (or bases), frozen desserts, and frozen dessert mixes distributed in half-gallon containers or larger and intended to be used in soft or semi-solid form;

(iii) Aerated cream, frozen cream, sour cream, sour half-and-half, sour cream mixtures containing non-milk items; yogurt, including yogurt containing beverages with 20 percent or more yogurt by weight and kefir, and any other semi-solid product resembling a Class II product;

(iv) Custards, puddings, pancake mixes, coatings, batter, and similar products;

(v) Buttermilk biscuit mixes and other buttermilk for baking that contain food starch in excess of 2% of the total solids, provided that the product is labeled to indicate the food starch content;

(vi) Products especially prepared for infant feeding or dietary use (meal replacements) that are packaged in hermetically sealed containers and products that meet the compositional standards of § 1000.15(a) but contain no fluid milk products included in § 1000.15(a).

(vii) Candy, soup, bakery products and other prepared foods which are processed for general distribution to the public, and intermediate products, including sweetened condensed milk, to be used in processing such prepared food products;

(viii) A fluid cream product or any product containing artificial fat or fat substitutes that resembles a fluid cream product, except as otherwise provided in paragraph (c) of this section; and

(ix) Any product not otherwise specified in this section; and

(3) In shrinkage assigned pursuant to § 1000.43(b).

(c) *Class III milk* shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cream cheese and other spreadable cheeses, and hard cheese of types that may be shredded, grated, or crumbled;

(ii) Plastic cream, anhydrous milkfat, and butteroil; and

(2) In shrinkage assigned pursuant to §1000.43(b).

(d) *Class IV milk* shall be all skim milk and butterfat:

(1) Used to produce:

(i) Butter; and

(ii) Evaporated or sweetened condensed milk in a consumer-type package; and

(iii) Any milk product in dried form;

(2) In inventory at the end of the month of fluid milk products and fluid cream products in bulk form;

(3) In the skim milk equivalent of nonfat milk solids used to modify a fluid milk product that has not been accounted for in Class I; and

(4) In shrinkage assigned pursuant to §1000.43(b).

(e) *Other uses.* Other uses include skim milk and butterfat used in any product described in this section that is dumped, used for animal feed, destroyed, or lost by a handler in a vehicular accident, flood, fire, or similar occurrence beyond the handler's control. Such uses of skim milk and butterfat shall be assigned to the lowest priced class for the month to the extent that the quantities destroyed or lost can be verified from records satisfactory to the market administrator.

[64 FR 47899, Sept. 1, 1999, as amended at 65 FR 82833, Dec. 28, 2000; 68 FR 7064, Feb. 12, 2003; 69 FR 21952, Apr. 23, 2004; 75 FR 51931, Aug. 24, 2010]

### §1000.41 [Reserved]

### §1000.42 Classification of transfers and diversions.

(a) *Transfers and diversions to pool plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant or a handler described in §1135.11 of this chapter to another pool plant shall be classified as Class I milk unless the handlers both request the same classification in another class. In either case, the classification shall be subject to the following conditions:

(1) The skim milk and butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the receiving plant after the computations pursuant to §1000.44(a)(9) and the corresponding step of §1000.44(b);

(2) If the transferring plant received during the month other source milk to be allocated pursuant to §1000.44(a)(3) or the corresponding step of §1000.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferring handler received during the month other source milk to be allocated pursuant to §1000.44(a)(8) or (9) or the corresponding steps of §1000.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the receiving plant.

(b) *Transfers and diversions to a plant regulated under another Federal order.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or transferred in the form of a bulk fluid cream product from a pool plant to a plant regulated under another Federal order shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from a plant regulated under another Federal order of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b)(1) or (2) of this section:

(1) As Class I milk, if transferred as packaged fluid milk products;

(2) If transferred or diverted in bulk form, classification shall be in the classes to which allocated under the other order:

(i) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as other than Class I to the extent that such utilization is available for such classification pursuant to the allocation provisions of the other order;

(ii) If diverted, the diverting handler must request a classification other than Class I. If the plant receiving the

diverted milk does not have sufficient utilization available for the requested classification and some of the diverted milk is consequently assigned to Class I use, the diverting handler shall be given the option of designating the entire load of diverted milk as producer milk at the plant physically receiving the milk. Alternatively, if the diverting handler so chooses, it may designate which dairy farmers whose milk was diverted during the month will be designated as producers under the order physically receiving the milk. If the diverting handler declines to accept either of these options, the market administrator will prorate the portion of diverted milk in excess of Class II, III, and IV use among all the dairy farmers whose milk was received from the diverting handler on the last day of the month, then the second-to-last day, and continuing in that fashion until the excess diverted milk has been assigned as producer milk under the receiving order; and

(iii) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be Class I, subject to adjustment when such information is available.

(c) *Transfers and diversions to producer-handlers and to exempt plants.* Skim milk or butterfat that is transferred or diverted from a pool plant to a producer-handler under any Federal order or to an exempt plant shall be classified:

(1) As Class I milk if transferred or diverted to a producer-handler;

(2) As Class I milk if transferred to an exempt plant in the form of a packaged fluid milk product; and

(3) In accordance with the utilization assigned to it by the market administrator if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product to an exempt plant. For this purpose, the receiving handler's utilization of skim milk and butterfat in each class, in series beginning with Class IV, shall be assigned to the extent possible to its receipts of skim milk and butterfat, in bulk fluid cream products, and bulk fluid milk products, respectively, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not a plant regulated under another order, an exempt plant, or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or transferred in the form of a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraphs (d)(2)(i)(A) and (B) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization, excluding the milk equivalent of both nonfat milk solids and concentrated milk used in the plant during the month, to its receipts as set forth in paragraphs (d)(2)(ii) through (viii) of this section:

(A) The transferring handler or diverting handler claims such classification in such handler's report of receipts and utilization filed pursuant to §____.30 of each Federal milk order for the month within which such transaction occurred; and

(B) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for verification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plant and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(A) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(B) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from plants regulated under other Federal orders;

(C) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(D) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from plants regulated under other Federal orders;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and plants regulated under other Federal orders;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant regulated under any Federal order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the receiving plant, shall be assigned to the extent possible in the following sequence:

(A) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(B) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from plants regulated under other Federal orders;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(A) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(B) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and plants regulated under other Federal orders shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization and then to all other utilization, in sequence beginning with Class IV at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and plants regulated under other Federal orders shall be assigned, pro rata among such plants, to the extent possible to any remaining utilization, in sequence beginning with Class IV at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this paragraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this paragraph.

### § 1000.43 General classification rules.

In determining the classification of producer milk pursuant to § 1000.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to §____.30 of each Federal milk order and shall compute separately for each pool plant, for each handler described in § 1000.9(c) and § 1135.11 of this chapter, the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1000.40 and 1000.42, and paragraph (b) of this section.

(b) *Shrinkage and Overage.* For purposes of classifying all milk reported by a handler pursuant to §____.30 of each Federal milk order the market administrator shall determine the shrinkage or overage of skim milk and butterfat for each pool plant and each handler described in § 1000.9(c) and § 1135.11 of this chapter by subtracting total utilization from total receipts. Any positive difference shall be shrinkage, and any negative difference shall be overage.

(1) Shrinkage incurred by pool plants qualified pursuant to §____.7 of any Federal milk order shall be assigned to the lowest-priced class to the extent that such shrinkage does not exceed:

(i) Two percent of the total quantity of milk physically received at the plant directly from producers' farms on the basis of farm weights and tests;

(ii) Plus 1.5 percent of the quantity of bulk milk physically received on a basis other than farm weights and

tests, excluding concentrated milk received by agreement for other than Class I use;

(iii) Plus .5 percent of the quantity of milk diverted by the plant operator to another plant on a basis other than farm weights and tests; and

(iv) Minus 1.5 percent of the quantity of bulk milk transferred to other plants, excluding concentrated milk transferred by agreement for other than Class I use.

(2) A handler described in §1000.9(c) or §1135.11 of this chapter that delivers milk to plants on a basis other than farm weights and tests shall receive a lowest-priced-class shrinkage allowance of .5 percent of the total quantity of such milk picked up at producers' farms.

(3) Shrinkage in excess of the amounts provided in paragraphs (b)(1) and (2) of this section shall be assigned to existing utilization in series starting with Class I. The shrinkage assigned pursuant to this paragraph shall be added to the handler's reported utilization and the result shall be known as the *gross utilization in each class.*

(c) If any of the water but none of the nonfat solids contained in the milk from which a product is made is removed before the product is utilized or disposed of by the handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids. If any of the nonfat solids contained in the milk from which a product is made are removed before the product is utilized or disposed of by the handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water and nonfat solids originally associated with such solids determined on a protein equivalent basis.

(d) Skim milk and butterfat contained in receipts of bulk concentrated fluid milk and nonfluid milk products that are reconstituted for fluid use shall be assigned to Class I use, up to the reconstituted portion of labeled reconstituted fluid milk products, on a pro rata basis (except for any Class I use of specific concentrated receipts that is established by the handler) prior to any assignments under §1000.44. Any remaining skim milk and butterfat in concentrated receipts shall be assigned to uses under §1000.44 on a pro rata basis, unless a specific use of such receipts is established by the handler.

[64 FR 47899, Sept. 1, 1999, as amended at 75 FR 51931, Aug. 24, 2010]

### §1000.44 Classification of producer milk.

For each month the market administrator shall determine for each handler described in §1000.9(a) for each pool plant of the handler separately and for each handler described in §1000.9(c) and §1135.11 of this chapter the classification of producer milk by allocating the handler's receipts of skim milk and butterfat to the handler's gross utilization of such receipts pursuant to §1000.43(b)(3) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the pounds of skim milk in Class I the pounds of skim milk in:

(i) Receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(ii) Packaged fluid milk products in inventory at the beginning of the month. This paragraph shall apply only if the pool plant was subject to the provisions of this paragraph or comparable provisions of another Federal order in the immediately preceding month;

(iii) Fluid milk products received in packaged form from plants regulated under other Federal orders; and

(iv) To the extent that the receipts described in paragraphs (a)(1)(i) through (iii) of this section exceed the gross Class I utilization of skim milk, the excess receipts shall be subtracted pursuant to paragraph (a)(3)(vi) of this section.

(2) Subtract from the pounds of skim milk in Class II the pounds of skim milk in the receipts of skim milk in bulk concentrated fluid milk products and in other source milk (except other source milk received in the form of an unconcentrated fluid milk product or a fluid cream product) that is used to produce, or added to, any product in Class II (excluding the quantity of such skim milk that was classified as Class IV milk pursuant to §1000.40(d)(3)). To the extent that the receipts described in this paragraph exceed the gross Class II utilization of skim milk, the excess receipts shall be subtracted pursuant to paragraph (a)(3)(vi) of this section.

(3) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in:

(i) Receipts of bulk concentrated fluid milk products and other source milk (except other source milk received in the form of an unconcentrated fluid milk product);

(ii) Receipts of fluid milk products and bulk fluid cream products for which appropriate health approval is not established and from unidentified sources;

(iii) Receipts of fluid milk products and bulk fluid cream products from an exempt plant;

(iv) Fluid milk products and bulk fluid cream products received from a producer-handler as defined under the order in this part, or any other Federal order;

(v) Receipts of fluid milk products from dairy farmers for other markets; and

(vi) The excess receipts specified in paragraphs (a)(1)(iv) and (a)(2) of this section.

(4) Subtract from the pounds of skim milk remaining in all classes other than Class I, in sequence beginning with Class IV, the receipts of fluid milk products from an unregulated supply plant that were not previously subtracted in this section for which the handler requests classification other than Class I, but not in excess of the pounds of skim milk remaining in these other classes combined.

(5) Subtract from the pounds of skim milk remaining in all classes other than Class I, in sequence beginning with Class IV, receipts of fluid milk products from an unregulated supply plant that were not previously subtracted in this section, and which are in excess of the pounds of skim milk determined pursuant to paragraphs (a)(5)(i) and (ii) of this section;

(i) Multiply by 1.25 the pounds of skim milk remaining in Class I at this allocation step; and

(ii) Subtract from the result in paragraph (a)(5)(i) the pounds of skim milk in receipts of producer milk and fluid milk products from other pool plants.

(6) Subtract from the pounds of skim milk remaining in all classes other than Class I, in sequence beginning with Class IV, the pounds of skim milk in receipts of bulk fluid milk products from a handler regulated under another Federal order that are in excess of bulk fluid milk products transferred or diverted to such handler, if other than Class I classification is requested, but not in excess of the pounds of skim milk remaining in these classes combined.

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class IV, the pounds of skim milk in fluid milk products and bulk fluid cream products in inventory at the beginning of the month that were not previously subtracted in this section.

(8) Subtract from the pounds of skim milk remaining in each class at the plant receipts of skim milk in fluid milk products from an unregulated supply plant that were not previously subtracted in this section and that were not offset by transfers or diversions of fluid milk products to the unregulated supply plant from which fluid milk products to be allocated at this step were received. Such subtraction shall be pro rata to the pounds of skim milk in Class I and in Classes II, III, and IV combined, with the quantity prorated to Classes II, III, and IV combined being subtracted in sequence beginning with Class IV.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from a handler regulated under another Federal order that are in excess of bulk fluid milk

products transferred or diverted to such handler that were not subtracted in paragraph (a)(6) of this section. Such subtraction shall be pro rata to the pounds of skim milk in Class I and in Classes II, III, and IV combined, with the quantity prorated to Classes II, III, and IV combined being subtracted in sequence beginning with Class IV, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(i) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1000.45(a); or

(ii) The total pounds of skim milk remaining in each class at this allocation step.

(10) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant and from a handler described in § 1135.11 of this chapter according to the classification of such products pursuant to § 1000.42(a).

(11) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class IV.

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraphs (a) and (b) of this section.

### § 1000.45 Market administrator's reports and announcements concerning classification.

(a) Whenever required for the purpose of allocating receipts from plants regulated under other Federal orders pursuant to § 1000.44(a)(9) and the corresponding step of § 1000.44(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in Class I during the month of skim milk and butterfat, respectively, in producer milk of all handlers. The estimate shall be based upon the most current available data and shall be final for such purpose.

(b) The market administrator shall report to the market administrators of other Federal orders as soon as possible after the handlers' reports of receipts and utilization are received, the class to which receipts from plants regulated under other Federal orders are allocated pursuant to §§ 1000.43(d) and 1000.44 (including any reclassification of inventories of bulk concentrated fluid milk products), and thereafter any change in allocation required to correct errors disclosed on the verification of such report.

(c) The market administrator shall furnish each handler operating a pool plant and each handler described in § 1135.11 of this chapter who has shipped fluid milk products or bulk fluid cream products to a plant fully regulated under another Federal order the class to which the shipments were allocated by the market administrator of the other Federal order on the basis of the report by the receiving handler and, as necessary, any changes in the allocation arising from the verification of such report.

(d) The market administrator shall report to each cooperative association which so requests, the percentage of producer milk delivered by members of the association that was used in each class by each handler receiving the milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by the handler.

## Subpart G—Class Prices

### § 1000.50 Class prices, component prices, and advanced pricing factors.

Class prices per hundredweight of milk containing 3.5 percent butterfat, component prices, and advanced pricing factors shall be as follows. The prices and pricing factors described in paragraphs (a), (b), (c), (e), (f), and (q) of this section shall be based on a weighted average of the most recent 2 weekly prices announced by the National Agricultural Statistical Service (NASS) before the 24th day of the

month. These prices shall be announced on or before the 23rd day of the month and shall apply to milk received during the following month. The prices described in paragraphs (g) through (p) of this section shall be based on a weighted average for the preceding month of weekly prices announced by NASS on or before the 5th day of the month and shall apply to milk received during the preceding month. The price described in paragraph (d) of this section shall be derived from the Class II skim milk price announced on or before the 23rd day of the month preceding the month to which it applies and the butterfat price announced on or before the 5th day of the month following the month to which it applies.

(a) *Class I price.* The Class I price per hundredweight, rounded to the nearest cent, shall be 0.965 times the Class I skim milk price plus 3.5 times the Class I butterfat price.

(b) *Class I skim milk price.* The Class I skim milk price per hundredweight shall be the adjusted Class I differential specified in §1000.52, plus the adjustment to Class I prices specified in §§1005.51(b), 1006.51(b) and 1007.51(b), plus the higher of the advanced pricing factors computed in paragraph (q)(1) or (2) of this section.

(c) *Class I butterfat price.* The Class I butterfat price per pound shall be the adjusted Class I differential specified in §1000.52 divided by 100, plus the adjustments to Class I prices specified in §§1005.51(b), 1006.51(b) and 1007.51(b) divided by 100, plus the advanced butterfat price computed in paragraph (q)(3) of this section.

(d) *The Class II price* per hundredweight, rounded to the nearest cent, shall be .965 times the Class II skim milk price plus 3.5 times the Class II butterfat price.

(e) *Class II skim milk price.* The Class II skim milk price per hundredweight shall be the advanced Class IV skim milk price computed in paragraph (q)(2) of this section plus 70 cents.

(f) *Class II nonfat solids price.* The Class II nonfat solids price per pound, rounded to the nearest one-hundredth cent, shall be the Class II skim milk price divided by 9.

(g) *Class II butterfat price.* The Class II butterfat price per pound shall be the butterfat price plus $0.007.

(h) *Class III price.* The Class III price per hundredweight, rounded to the nearest cent, shall be 0.965 times the Class III skim milk price plus 3.5 times the butterfat price.

(i) *Class III skim milk price.* The Class III skim milk price per hundredweight, rounded to the nearest cent, shall be the protein price per pound times 3.1 plus the other solids price per pound times 5.9.

(j) *Class IV price.* The Class IV price per hundredweight, rounded to the nearest cent, shall be 0.965 times the Class IV skim milk price plus 3.5 times the butterfat price.

(k) *Class IV skim milk price.* The Class IV skim milk price per hundredweight, rounded to the nearest cent, shall be the nonfat solids price per pound times 9.

(l) *Butterfat price.* The butterfat price per pound, rounded to the nearest one-hundredth cent, shall be the U.S. average NASS AA Butter survey price reported by the Department for the month, less 17.15 cents, with the result multiplied by 1.211.

(m) *Nonfat solids price.* The nonfat solids price per pound, rounded to the nearest one-hundredth cent, shall be the U.S. average NASS nonfat dry milk survey price reported by the Department for the month, less 16.78 cents and multiplying the result by 0.99.

(n) *Protein price.* The protein price per pound, rounded to the nearest one-hundredth cent, shall be computed as follows:

(1) Compute a weighted average of the amounts described in paragraphs (n)(1)(i) and (ii) of this section:

(i) The U.S. average NASS survey price for 40-lb. block cheese reported by the Department for the month; and

(ii) The U.S. average NASS survey price for 500-pound barrel cheddar cheese (38 percent moisture) reported by the Department for the month plus 3 cents;

(2) Subtract 20.03 cents from the price computed pursuant to paragraph (n)(1) of this section and multiply the result by 1.383;

(3) Add to the amount computed pursuant to paragraph (n)(2) of this section an amount computed as follows:

(i) Subtract 20.03 cents from the price computed pursuant to paragraph (n)(1) of this section and multiply the result by 1.572; and

(ii) Subtract 0.9 times the butterfat price computed pursuant to paragraph (l) of this section from the amount computed pursuant to paragraph (n)(3)(i) of this section; and

(iii) Multiply the amount computed pursuant to paragraph (n)(3)(ii) of this section by 1.17.

(o) *Other solids price.* The other solids price per pound, rounded to the nearest one-hundredth cent, shall be the U.S. average NASS dry whey survey price reported by the Department for the month minus 19.91 cents, with the result multiplied by 1.03.

(p) *Somatic cell adjustment.* The somatic cell adjustment per hundredweight of milk shall be determined as follows:

(1) Multiply 0.0005 by the weighted average price computed pursuant to paragraph (n)(1) of this section and round to the 5th decimal place;

(2) Subtract the somatic cell count of the milk (reported in thousands) from 350; and

(3) Multiply the amount computed in paragraph (p)(1) of this section by the amount computed in paragraph (p)(2) of this section and round to the nearest full cent.

(q) *Advanced pricing factors.* For the purpose of computing the Class I skim milk price, the Class II skim milk price, the Class II nonfat solids price, and the Class I butterfat price for the following month, the following pricing factors shall be computed using the weighted average of the 2 most recent NASS U.S. average weekly survey prices announced before the 24th day of the month:

(1) An advanced Class III skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(i) Following the procedure set forth in paragraphs (n) and (o) of this section, but using the weighted average of the 2 most recent NASS U.S. average weekly survey prices announced before the 24th day of the month, compute a protein price and an other solids price;

(ii) Multiply the protein price computed in paragraph (q)(1)(i) of this section by 3.1;

(iii) Multiply the other solids price per pound computed in paragraph (q)(1)(i) of this section by 5.9; and

(iv) Add the amounts computed in paragraphs (q)(1)(ii) and (iii) of this section.

(2) An advanced Class IV skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(i) Following the procedure set forth in paragraph (m) of this section, but using the weighted average of the 2 most recent NASS U.S. average weekly survey prices announced before the 24th day of the month, compute a nonfat solids price; and

(ii) Multiply the nonfat solids price computed in paragraph (q)(2)(i) of this section by 9.

(3) An advanced butterfat price per pound rounded to the nearest one-hundredth cent, shall be calculated by computing a weighted average of the 2 most recent U.S. average NASS AA Butter survey prices announced before the 24th day of the month, subtracting 17.15 cents from this average, and multiplying the result by 1.211.

[64 FR 47899, Sept. 1, 1999, as amended at 65 FR 82833, Dec. 28, 2000; 68 FR 7064, Feb. 12, 2003; 71 FR 78334, Dec. 29, 2006; 73 FR 14155, Mar. 17, 2008; 73 FR 44619, July 31, 2008]

### § 1000.51 [Reserved]

### § 1000.52 Adjusted Class I differentials.

The Class I differential adjusted for location to be used in § 1000.50(b) and (c) shall be as follows:

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| AUTAUGA | AL .... | 01001 | 3.30 |
| BALDWIN | AL .... | 01003 | 3.50 |
| BARBOUR | AL .... | 01005 | 3.45 |
| BIBB | AL .... | 01007 | 3.10 |
| BLOUNT | AL .... | 01009 | 3.10 |
| BULLOCK | AL .... | 01011 | 3.30 |
| BUTLER | AL .... | 01013 | 3.45 |
| CALHOUN | AL .... | 01015 | 3.10 |
| CHAMBERS | AL .... | 01017 | 3.10 |
| CHEROKEE | AL .... | 01019 | 3.10 |
| CHILTON | AL .... | 01021 | 3.10 |
| CHOCTAW | AL .... | 01023 | 3.30 |
| CLARKE | AL .... | 01025 | 3.45 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| CLAY | AL .... | 01027 | 3.10 |
| CLEBURNE | AL .... | 01029 | 3.10 |
| COFFEE | AL .... | 01031 | 3.45 |
| COLBERT | AL .... | 01033 | 2.90 |
| CONECUH | AL .... | 01035 | 3.45 |
| COOSA | AL .... | 01037 | 3.10 |
| COVINGTON | AL .... | 01039 | 3.45 |
| CRENSHAW | AL .... | 01041 | 3.45 |
| CULLMAN | AL .... | 01043 | 3.10 |
| DALE | AL .... | 01045 | 3.45 |
| DALLAS | AL .... | 01047 | 3.30 |
| DE KALB | AL .... | 01049 | 2.90 |
| ELMORE | AL .... | 01051 | 3.30 |
| ESCAMBIA | AL .... | 01053 | 3.45 |
| ETOWAH | AL .... | 01055 | 3.10 |
| FAYETTE | AL .... | 01057 | 3.10 |
| FRANKLIN | AL .... | 01059 | 2.90 |
| GENEVA | AL .... | 01061 | 3.45 |
| GREENE | AL .... | 01063 | 3.10 |
| HALE | AL .... | 01065 | 3.10 |
| HENRY | AL .... | 01067 | 3.45 |
| HOUSTON | AL .... | 01069 | 3.45 |
| JACKSON | AL .... | 01071 | 2.90 |
| JEFFERSON | AL .... | 01073 | 3.10 |
| LAMAR | AL .... | 01075 | 3.10 |
| LAUDERDALE | AL .... | 01077 | 2.90 |
| LAWRENCE | AL .... | 01079 | 2.90 |
| LEE | AL .... | 01081 | 3.30 |
| LIMESTONE | AL .... | 01083 | 2.90 |
| LOWNDES | AL .... | 01085 | 3.30 |
| MACON | AL .... | 01087 | 3.30 |
| MADISON | AL .... | 01089 | 2.90 |
| MARENGO | AL .... | 01091 | 3.30 |
| MARION | AL .... | 01093 | 3.10 |
| MARSHALL | AL .... | 01095 | 2.90 |
| MOBILE | AL .... | 01097 | 3.50 |
| MONROE | AL .... | 01099 | 3.45 |
| MONTGOMERY | AL .... | 01101 | 3.30 |
| MORGAN | AL .... | 01103 | 2.90 |
| PERRY | AL .... | 01105 | 3.10 |
| PICKENS | AL .... | 01107 | 3.10 |
| PIKE | AL .... | 01109 | 3.45 |
| RANDOLPH | AL .... | 01111 | 3.10 |
| RUSSELL | AL .... | 01113 | 3.30 |
| SHELBY | AL .... | 01117 | 3.10 |
| ST. CLAIR | AL .... | 01115 | 3.10 |
| SUMTER | AL .... | 01119 | 3.10 |
| TALLADEGA | AL .... | 01121 | 3.10 |
| TALLAPOOSA | AL .... | 01123 | 3.10 |
| TUSCALOOSA | AL .... | 01125 | 3.10 |
| WALKER | AL .... | 01127 | 3.10 |
| WASHINGTON | AL .... | 01129 | 3.45 |
| WILCOX | AL .... | 01131 | 3.30 |
| WINSTON | AL .... | 01133 | 3.10 |
| ARKANSAS | AR .... | 05001 | 2.90 |
| ASHLEY | AR .... | 05003 | 3.10 |
| BAXTER | AR .... | 05005 | 2.60 |
| BENTON | AR .... | 05007 | 2.60 |
| BOONE | AR .... | 05009 | 2.60 |
| BRADLEY | AR .... | 05011 | 2.90 |
| CALHOUN | AR .... | 05013 | 2.90 |
| CARROLL | AR .... | 05015 | 2.60 |
| CHICOT | AR .... | 05017 | 3.10 |
| CLARK | AR .... | 05019 | 2.90 |
| CLAY | AR .... | 05021 | 2.60 |
| CLEBURNE | AR .... | 05023 | 2.80 |
| CLEVELAND | AR .... | 05025 | 2.90 |
| COLUMBIA | AR .... | 05027 | 3.10 |
| CONWAY | AR .... | 05029 | 2.80 |
| CRAIGHEAD | AR .... | 05031 | 2.60 |
| CRAWFORD | AR .... | 05033 | 2.80 |
| CRITTENDEN | AR .... | 05035 | 2.80 |
| CROSS | AR .... | 05037 | 2.80 |
| DALLAS | AR .... | 05039 | 2.90 |
| DESHA | AR .... | 05041 | 2.90 |
| DREW | AR .... | 05043 | 2.90 |
| FAULKNER | AR .... | 05045 | 2.80 |
| FRANKLIN | AR .... | 05047 | 2.80 |
| FULTON | AR .... | 05049 | 2.60 |
| GARLAND | AR .... | 05051 | 2.80 |
| GRANT | AR .... | 05053 | 2.90 |
| GREENE | AR .... | 05055 | 2.60 |
| HEMPSTEAD | AR .... | 05057 | 2.90 |
| HOT SPRING | AR .... | 05059 | 2.90 |
| HOWARD | AR .... | 05061 | 2.90 |
| INDEPENDENCE | AR .... | 05063 | 2.60 |
| IZARD | AR .... | 05065 | 2.60 |
| JACKSON | AR .... | 05067 | 2.60 |
| JEFFERSON | AR .... | 05069 | 2.90 |
| JOHNSON | AR .... | 05071 | 2.80 |
| LAFAYETTE | AR .... | 05073 | 3.10 |
| LAWRENCE | AR .... | 05075 | 2.60 |
| LEE | AR .... | 05077 | 2.80 |
| LINCOLN | AR .... | 05079 | 2.90 |
| LITTLE RIVER | AR .... | 05081 | 2.90 |
| LOGAN | AR .... | 05083 | 2.80 |
| LONOKE | AR .... | 05085 | 2.80 |
| MADISON | AR .... | 05087 | 2.60 |
| MARION | AR .... | 05089 | 2.60 |
| MILLER | AR .... | 05091 | 3.10 |
| MISSISSIPPI | AR .... | 05093 | 2.60 |
| MONROE | AR .... | 05095 | 2.80 |
| MONTGOMERY | AR .... | 05097 | 2.80 |
| NEVADA | AR .... | 05099 | 2.90 |
| NEWTON | AR .... | 05101 | 2.60 |
| OUACHITA | AR .... | 05103 | 2.90 |
| PERRY | AR .... | 05105 | 2.80 |
| PHILLIPS | AR .... | 05107 | 2.90 |
| PIKE | AR .... | 05109 | 2.90 |
| POINSETT | AR .... | 05111 | 2.60 |
| POLK | AR .... | 05113 | 2.80 |
| POPE | AR .... | 05115 | 2.80 |
| PRAIRIE | AR .... | 05117 | 2.80 |
| PULASKI | AR .... | 05119 | 2.80 |
| RANDOLPH | AR .... | 05121 | 2.60 |
| SALINE | AR .... | 05125 | 2.80 |
| SCOTT | AR .... | 05127 | 2.80 |
| SEARCY | AR .... | 05129 | 2.60 |
| SEBASTIAN | AR .... | 05131 | 2.80 |
| SEVIER | AR .... | 05133 | 2.90 |
| SHARP | AR .... | 05135 | 2.60 |
| ST. FRANCIS | AR .... | 05123 | 2.80 |
| STONE | AR .... | 05137 | 2.60 |
| UNION | AR .... | 05139 | 3.10 |
| VAN BUREN | AR .... | 05141 | 2.80 |
| WASHINGTON | AR .... | 05143 | 2.60 |
| WHITE | AR .... | 05145 | 2.80 |
| WOODRUFF | AR .... | 05147 | 2.80 |
| YELL | AR .... | 05149 | 2.80 |
| APACHE | AZ .... | 04001 | 1.90 |
| COCHISE | AZ .... | 04003 | 2.10 |
| COCONINO | AZ .... | 04005 | 1.90 |
| GILA | AZ .... | 04007 | 2.10 |
| GRAHAM | AZ .... | 04009 | 2.10 |
| GREENLEE | AZ .... | 04011 | 2.10 |
| LA PAZ | AZ .... | 04012 | 2.10 |
| MARICOPA | AZ .... | 04013 | 2.35 |
| MOHAVE | AZ .... | 04015 | 1.90 |
| NAVAJO | AZ .... | 04017 | 1.90 |
| PIMA | AZ .... | 04019 | 2.35 |
| PINAL | AZ .... | 04021 | 2.35 |
| SANTA CRUZ | AZ .... | 04023 | 2.10 |
| YAVAPAI | AZ .... | 04025 | 1.90 |
| YUMA | AZ .... | 04027 | 2.10 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| ALAMEDA | CA .... | 06001 | 1.80 |
| ALPINE | CA .... | 06003 | 1.70 |
| AMADOR | CA .... | 06005 | 1.70 |
| BUTTE | CA .... | 06007 | 1.70 |
| CALAVERAS | CA .... | 06009 | 1.70 |
| COLUSA | CA .... | 06011 | 1.70 |
| CONTRA COSTA | CA .... | 06013 | 1.80 |
| DEL NORTE | CA .... | 06015 | 1.80 |
| EL DORADO | CA .... | 06017 | 1.70 |
| FRESNO | CA .... | 06019 | 1.60 |
| GLENN | CA .... | 06021 | 1.70 |
| HUMBOLDT | CA .... | 06023 | 1.80 |
| IMPERIAL | CA .... | 06025 | 2.00 |
| INYO | CA .... | 06027 | 1.60 |
| KERN | CA .... | 06029 | 1.80 |
| KINGS | CA .... | 06031 | 1.60 |
| LAKE | CA .... | 06033 | 1.80 |
| LASSEN | CA .... | 06035 | 1.70 |
| LOS ANGELES | CA .... | 06037 | 2.10 |
| MADERA | CA .... | 06039 | 1.60 |
| MARIN | CA .... | 06041 | 1.80 |
| MARIPOSA | CA .... | 06043 | 1.70 |
| MENDOCINO | CA .... | 06045 | 1.80 |
| MERCED | CA .... | 06047 | 1.70 |
| MODOC | CA .... | 06049 | 1.70 |
| MONO | CA .... | 06051 | 1.60 |
| MONTEREY | CA .... | 06053 | 1.80 |
| NAPA | CA .... | 06055 | 1.80 |
| NEVADA | CA .... | 06057 | 1.70 |
| ORANGE | CA .... | 06059 | 2.10 |
| PLACER | CA .... | 06061 | 1.70 |
| PLUMAS | CA .... | 06063 | 1.70 |
| RIVERSIDE | CA .... | 06065 | 2.00 |
| SACRAMENTO | CA .... | 06067 | 1.70 |
| SAN BENITO | CA .... | 06069 | 1.80 |
| SAN BERNARDINO | CA .... | 06071 | 1.80 |
| SAN DIEGO | CA .... | 06073 | 2.10 |
| SAN FRANCISCO | CA .... | 06075 | 1.80 |
| SAN JOAQUIN | CA .... | 06077 | 1.70 |
| SAN LUIS OBISPO | CA .... | 06079 | 1.80 |
| SAN MATEO | CA .... | 06081 | 1.80 |
| SANTA BARBARA | CA .... | 06083 | 1.80 |
| SANTA CLARA | CA .... | 06085 | 1.80 |
| SANTA CRUZ | CA .... | 06087 | 1.80 |
| SHASTA | CA .... | 06089 | 1.70 |
| SIERRA | CA .... | 06091 | 1.70 |
| SISKIYOU | CA .... | 06093 | 1.80 |
| SOLANO | CA .... | 06095 | 1.80 |
| SONOMA | CA .... | 06097 | 1.80 |
| STANISLAUS | CA .... | 06099 | 1.70 |
| SUTTER | CA .... | 06101 | 1.70 |
| TEHAMA | CA .... | 06103 | 1.70 |
| TRINITY | CA .... | 06105 | 1.80 |
| TULARE | CA .... | 06107 | 1.60 |
| TUOLUMNE | CA .... | 06109 | 1.70 |
| VENTURA | CA .... | 06111 | 1.80 |
| YOLO | CA .... | 06113 | 1.70 |
| YUBA | CA .... | 06115 | 1.70 |
| ADAMS | CO ... | 08001 | 2.55 |
| ALAMOSA | CO ... | 08003 | 1.90 |
| ARAPAHOE | CO ... | 08005 | 2.55 |
| ARCHULETA | CO ... | 08007 | 1.90 |
| BACA | CO ... | 08009 | 2.35 |
| BENT | CO ... | 08011 | 2.35 |
| BOULDER | CO ... | 08013 | 2.45 |
| BROOMFIELD | CO ... | 08014 | 2.45 |
| CHAFFEE | CO ... | 08015 | 1.90 |
| CHEYENNE | CO ... | 08017 | 2.35 |
| CLEAR CREEK | CO ... | 08019 | 2.45 |
| CONEJOS | CO ... | 08021 | 1.90 |
| COSTILLA | CO ... | 08023 | 1.90 |
| CROWLEY | CO ... | 08025 | 2.45 |
| CUSTER | CO ... | 08027 | 2.45 |
| DELTA | CO ... | 08029 | 2.00 |
| DENVER | CO ... | 08031 | 2.55 |
| DOLORES | CO ... | 08033 | 1.90 |
| DOUGLAS | CO ... | 08035 | 2.55 |
| EAGLE | CO ... | 08037 | 1.90 |
| EL PASO | CO ... | 08041 | 2.55 |
| ELBERT | CO ... | 08039 | 2.45 |
| FREMONT | CO ... | 08043 | 2.45 |
| GARFIELD | CO ... | 08045 | 2.00 |
| GILPIN | CO ... | 08047 | 2.45 |
| GRAND | CO ... | 08049 | 1.90 |
| GUNNISON | CO ... | 08051 | 1.90 |
| HINSDALE | CO ... | 08053 | 1.90 |
| HUERFANO | CO ... | 08055 | 2.45 |
| JACKSON | CO ... | 08057 | 1.90 |
| JEFFERSON | CO ... | 08059 | 2.55 |
| KIOWA | CO ... | 08061 | 2.35 |
| KIT CARSON | CO ... | 08063 | 2.35 |
| LA PLATA | CO ... | 08067 | 1.90 |
| LAKE | CO ... | 08065 | 1.90 |
| LARIMER | CO ... | 08069 | 2.45 |
| LAS ANIMAS | CO ... | 08071 | 2.35 |
| LINCOLN | CO ... | 08073 | 2.45 |
| LOGAN | CO ... | 08075 | 2.35 |
| MESA | CO ... | 08077 | 2.00 |
| MINERAL | CO ... | 08079 | 1.90 |
| MOFFAT | CO ... | 08081 | 1.90 |
| MONTEZUMA | CO ... | 08083 | 1.90 |
| MONTROSE | CO ... | 08085 | 2.00 |
| MORGAN | CO ... | 08087 | 2.35 |
| OTERO | CO ... | 08089 | 2.45 |
| OURAY | CO ... | 08091 | 1.90 |
| PARK | CO ... | 08093 | 2.45 |
| PHILLIPS | CO ... | 08095 | 2.35 |
| PITKIN | CO ... | 08097 | 1.90 |
| PROWERS | CO ... | 08099 | 2.35 |
| PUEBLO | CO ... | 08101 | 2.45 |
| RIO BLANCO | CO ... | 08103 | 1.90 |
| RIO GRANDE | CO ... | 08105 | 1.90 |
| ROUTT | CO ... | 08107 | 1.90 |
| SAGUACHE | CO ... | 08109 | 1.90 |
| SAN JUAN | CO ... | 08111 | 1.90 |
| SAN MIGUEL | CO ... | 08113 | 1.90 |
| SEDGWICK | CO ... | 08115 | 2.35 |
| SUMMIT | CO ... | 08117 | 1.90 |
| TELLER | CO ... | 08119 | 2.45 |
| WASHINGTON | CO ... | 08121 | 2.35 |
| WELD | CO ... | 08123 | 2.45 |
| YUMA | CO ... | 08125 | 2.35 |
| FAIRFIELD | CT .... | 09001 | 3.15 |
| HARTFORD | CT .... | 09003 | 3.15 |
| LITCHFIELD | CT .... | 09005 | 3.00 |
| MIDDLESEX | CT .... | 09007 | 3.15 |
| NEW HAVEN | CT .... | 09009 | 3.15 |
| NEW LONDON | CT .... | 09011 | 3.15 |
| TOLLAND | CT .... | 09013 | 3.15 |
| WINDHAM | CT .... | 09015 | 3.15 |
| DISTRICT OF COLUMBIA | DC .... | 11001 | 3.00 |
| KENT | DE .... | 10001 | 3.05 |
| NEW CASTLE | DE .... | 10003 | 3.05 |
| SUSSEX | DE .... | 10005 | 3.05 |
| ALACHUA | FL ..... | 12001 | 3.70 |
| BAKER | FL ..... | 12003 | 3.70 |
| BAY | FL ..... | 12005 | 3.70 |
| BRADFORD | FL ..... | 12007 | 3.70 |
| BREVARD | FL ..... | 12009 | 4.00 |
| BROWARD | FL ..... | 12011 | 4.30 |
| CALHOUN | FL ..... | 12013 | 3.70 |
| CHARLOTTE | FL ..... | 12015 | 4.30 |
| CITRUS | FL ..... | 12017 | 4.00 |
| CLAY | FL ..... | 12019 | 3.70 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| COLLIER | FL | 12021 | 4.30 |
| COLUMBIA | FL | 12023 | 3.70 |
| DADE | FL | 12025 | 4.30 |
| DE SOTO | FL | 12027 | 4.00 |
| DIXIE | FL | 12029 | 3.70 |
| DUVAL | FL | 12031 | 3.70 |
| ESCAMBIA | FL | 12033 | 3.45 |
| FLAGLER | FL | 12035 | 4.00 |
| FRANKLIN | FL | 12037 | 3.70 |
| GADSDEN | FL | 12039 | 3.70 |
| GILCHRIST | FL | 12041 | 3.70 |
| GLADES | FL | 12043 | 4.30 |
| GULF | FL | 12045 | 3.70 |
| HAMILTON | FL | 12047 | 3.70 |
| HARDEE | FL | 12049 | 4.00 |
| HENDRY | FL | 12051 | 4.30 |
| HERNANDO | FL | 12053 | 4.00 |
| HIGHLANDS | FL | 12055 | 4.00 |
| HILLSBOROUGH | FL | 12057 | 4.00 |
| HOLMES | FL | 12059 | 3.70 |
| INDIAN RIVER | FL | 12061 | 4.00 |
| JACKSON | FL | 12063 | 3.70 |
| JEFFERSON | FL | 12065 | 3.70 |
| LAFAYETTE | FL | 12067 | 3.70 |
| LAKE | FL | 12069 | 4.00 |
| LEE | FL | 12071 | 4.30 |
| LEON | FL | 12073 | 3.70 |
| LEVY | FL | 12075 | 4.00 |
| LIBERTY | FL | 12077 | 3.70 |
| MADISON | FL | 12079 | 3.70 |
| MANATEE | FL | 12081 | 4.00 |
| MARION | FL | 12083 | 4.00 |
| MARTIN | FL | 12085 | 4.30 |
| MONROE | FL | 12087 | 4.30 |
| NASSAU | FL | 12089 | 3.70 |
| OKALOOSA | FL | 12091 | 3.45 |
| OKEECHOBEE | FL | 12093 | 4.00 |
| ORANGE | FL | 12095 | 4.00 |
| OSCEOLA | FL | 12097 | 4.00 |
| PALM BEACH | FL | 12099 | 4.30 |
| PASCO | FL | 12101 | 4.00 |
| PINELLAS | FL | 12103 | 4.00 |
| POLK | FL | 12105 | 4.00 |
| PUTNAM | FL | 12107 | 3.70 |
| SANTA ROSA | FL | 12113 | 3.45 |
| SARASOTA | FL | 12115 | 4.00 |
| SEMINOLE | FL | 12117 | 4.00 |
| ST. JOHNS | FL | 12109 | 3.70 |
| ST. LUCIE | FL | 12111 | 4.00 |
| SUMTER | FL | 12119 | 4.00 |
| SUWANNEE | FL | 12121 | 3.70 |
| TAYLOR | FL | 12123 | 3.70 |
| UNION | FL | 12125 | 3.70 |
| VOLUSIA | FL | 12127 | 4.00 |
| WAKULLA | FL | 12129 | 3.70 |
| WALTON | FL | 12131 | 3.45 |
| WASHINGTON | FL | 12133 | 3.70 |
| APPLING | GA | 13001 | 3.45 |
| ATKINSON | GA | 13003 | 3.45 |
| BACON | GA | 13005 | 3.45 |
| BAKER | GA | 13007 | 3.45 |
| BALDWIN | GA | 13009 | 3.10 |
| BANKS | GA | 13011 | 3.10 |
| BARROW | GA | 13013 | 3.10 |
| BARTOW | GA | 13015 | 3.10 |
| BEN HILL | GA | 13017 | 3.45 |
| BERRIEN | GA | 13019 | 3.45 |
| BIBB | GA | 13021 | 3.30 |
| BLECKLEY | GA | 13023 | 3.30 |
| BRANTLEY | GA | 13025 | 3.45 |
| BROOKS | GA | 13027 | 3.45 |
| BRYAN | GA | 13029 | 3.45 |
| BULLOCH | GA | 13031 | 3.30 |
| BURKE | GA | 13033 | 3.30 |
| BUTTS | GA | 13035 | 3.10 |
| CALHOUN | GA | 13037 | 3.45 |
| CAMDEN | GA | 13039 | 3.45 |
| CANDLER | GA | 13043 | 3.30 |
| CARROLL | GA | 13045 | 3.10 |
| CATOOSA | GA | 13047 | 2.80 |
| CHARLTON | GA | 13049 | 3.45 |
| CHATHAM | GA | 13051 | 3.45 |
| CHATTAHOOCHEE | GA | 13053 | 3.30 |
| CHATTOOGA | GA | 13055 | 2.80 |
| CHEROKEE | GA | 13057 | 3.10 |
| CLARKE | GA | 13059 | 3.10 |
| CLAY | GA | 13061 | 3.45 |
| CLAYTON | GA | 13063 | 3.10 |
| CLINCH | GA | 13065 | 3.45 |
| COBB | GA | 13067 | 3.10 |
| COFFEE | GA | 13069 | 3.45 |
| COLQUITT | GA | 13071 | 3.45 |
| COLUMBIA | GA | 13073 | 3.10 |
| COOK | GA | 13075 | 3.45 |
| COWETA | GA | 13077 | 3.10 |
| CRAWFORD | GA | 13079 | 3.30 |
| CRISP | GA | 13081 | 3.45 |
| DADE | GA | 13083 | 2.80 |
| DAWSON | GA | 13085 | 3.10 |
| DE KALB | GA | 13089 | 3.10 |
| DECATUR | GA | 13087 | 3.45 |
| DODGE | GA | 13091 | 3.45 |
| DOOLY | GA | 13093 | 3.45 |
| DOUGHERTY | GA | 13095 | 3.45 |
| DOUGLAS | GA | 13097 | 3.10 |
| EARLY | GA | 13099 | 3.45 |
| ECHOLS | GA | 13101 | 3.45 |
| EFFINGHAM | GA | 13103 | 3.30 |
| ELBERT | GA | 13105 | 3.10 |
| EMANUEL | GA | 13107 | 3.30 |
| EVANS | GA | 13109 | 3.45 |
| FANNIN | GA | 13111 | 2.80 |
| FAYETTE | GA | 13113 | 3.10 |
| FLOYD | GA | 13115 | 3.10 |
| FORSYTH | GA | 13117 | 3.10 |
| FRANKLIN | GA | 13119 | 3.10 |
| FULTON | GA | 13121 | 3.10 |
| GILMER | GA | 13123 | 3.10 |
| GLASCOCK | GA | 13125 | 3.10 |
| GLYNN | GA | 13127 | 3.45 |
| GORDON | GA | 13129 | 3.10 |
| GRADY | GA | 13131 | 3.45 |
| GREENE | GA | 13133 | 3.10 |
| GWINNETT | GA | 13135 | 3.10 |
| HABERSHAM | GA | 13137 | 3.10 |
| HALL | GA | 13139 | 3.10 |
| HANCOCK | GA | 13141 | 3.10 |
| HARALSON | GA | 13143 | 3.10 |
| HARRIS | GA | 13145 | 3.30 |
| HART | GA | 13147 | 3.10 |
| HEARD | GA | 13149 | 3.10 |
| HENRY | GA | 13151 | 3.10 |
| HOUSTON | GA | 13153 | 3.30 |
| IRWIN | GA | 13155 | 3.45 |
| JACKSON | GA | 13157 | 3.10 |
| JASPER | GA | 13159 | 3.10 |
| JEFF DAVIS | GA | 13161 | 3.45 |
| JEFFERSON | GA | 13163 | 3.30 |
| JENKINS | GA | 13165 | 3.30 |
| JOHNSON | GA | 13167 | 3.30 |
| JONES | GA | 13169 | 3.10 |
| LAMAR | GA | 13171 | 3.10 |
| LANIER | GA | 13173 | 3.45 |
| LAURENS | GA | 13175 | 3.30 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| LEE | GA .... | 13177 | 3.45 |
| LIBERTY | GA .... | 13179 | 3.45 |
| LINCOLN | GA .... | 13181 | 3.10 |
| LONG | GA .... | 13183 | 3.45 |
| LOWNDES | GA .... | 13185 | 3.45 |
| LUMPKIN | GA .... | 13187 | 3.10 |
| MACON | GA .... | 13193 | 3.30 |
| MADISON | GA .... | 13195 | 3.10 |
| MARION | GA .... | 13197 | 3.30 |
| MCDUFFIE | GA .... | 13189 | 3.10 |
| MCINTOSH | GA .... | 13191 | 3.45 |
| MERIWETHER | GA .... | 13199 | 3.10 |
| MILLER | GA .... | 13201 | 3.45 |
| MITCHELL | GA .... | 13205 | 3.45 |
| MONROE | GA .... | 13207 | 3.10 |
| MONTGOMERY | GA .... | 13209 | 3.45 |
| MORGAN | GA .... | 13211 | 3.10 |
| MURRAY | GA .... | 13213 | 2.80 |
| MUSCOGEE | GA .... | 13215 | 3.30 |
| NEWTON | GA .... | 13217 | 3.10 |
| OCONEE | GA .... | 13219 | 3.10 |
| OGLETHORPE | GA .... | 13221 | 3.10 |
| PAULDING | GA .... | 13223 | 3.10 |
| PEACH | GA .... | 13225 | 3.30 |
| PICKENS | GA .... | 13227 | 3.10 |
| PIERCE | GA .... | 13229 | 3.45 |
| PIKE | GA .... | 13231 | 3.10 |
| POLK | GA .... | 13233 | 3.10 |
| PULASKI | GA .... | 13235 | 3.45 |
| PUTNAM | GA .... | 13237 | 3.10 |
| QUITMAN | GA .... | 13239 | 3.45 |
| RABUN | GA .... | 13241 | 3.10 |
| RANDOLPH | GA .... | 13243 | 3.45 |
| RICHMOND | GA .... | 13245 | 3.30 |
| ROCKDALE | GA .... | 13247 | 3.10 |
| SCHLEY | GA .... | 13249 | 3.30 |
| SCREVEN | GA .... | 13251 | 3.30 |
| SEMINOLE | GA .... | 13253 | 3.45 |
| SPALDING | GA .... | 13255 | 3.10 |
| STEPHENS | GA .... | 13257 | 3.10 |
| STEWART | GA .... | 13259 | 3.45 |
| SUMTER | GA .... | 13261 | 3.45 |
| TALBOT | GA .... | 13263 | 3.30 |
| TALIAFERRO | GA .... | 13265 | 3.10 |
| TATTNALL | GA .... | 13267 | 3.45 |
| TAYLOR | GA .... | 13269 | 3.30 |
| TELFAIR | GA .... | 13271 | 3.45 |
| TERRELL | GA .... | 13273 | 3.45 |
| THOMAS | GA .... | 13275 | 3.45 |
| TIFT | GA .... | 13277 | 3.45 |
| TOOMBS | GA .... | 13279 | 3.45 |
| TOWNS | GA .... | 13281 | 3.10 |
| TREUTLEN | GA .... | 13283 | 3.30 |
| TROUP | GA .... | 13285 | 3.10 |
| TURNER | GA .... | 13287 | 3.45 |
| TWIGGS | GA .... | 13289 | 3.30 |
| UNION | GA .... | 13291 | 3.10 |
| UPSON | GA .... | 13293 | 3.10 |
| WALKER | GA .... | 13295 | 2.80 |
| WALTON | GA .... | 13297 | 3.10 |
| WARE | GA .... | 13299 | 3.45 |
| WARREN | GA .... | 13301 | 3.10 |
| WASHINGTON | GA .... | 13303 | 3.30 |
| WAYNE | GA .... | 13305 | 3.45 |
| WEBSTER | GA .... | 13307 | 3.45 |
| WHEELER | GA .... | 13309 | 3.45 |
| WHITE | GA .... | 13311 | 3.10 |
| WHITFIELD | GA .... | 13313 | 2.80 |
| WILCOX | GA .... | 13315 | 3.45 |
| WILKES | GA .... | 13317 | 3.10 |
| WILKINSON | GA .... | 13319 | 3.30 |
| WORTH | GA .... | 13321 | 3.45 |
| ADAIR | IA ..... | 19001 | 1.80 |
| ADAMS | IA ..... | 19003 | 1.80 |
| ALLAMAKEE | IA ..... | 19005 | 1.75 |
| APPANOOSE | IA ..... | 19007 | 1.80 |
| AUDUBON | IA ..... | 19009 | 1.80 |
| BENTON | IA ..... | 19011 | 1.80 |
| BLACK HAWK | IA ..... | 19013 | 1.75 |
| BOONE | IA ..... | 19015 | 1.80 |
| BREMER | IA ..... | 19017 | 1.75 |
| BUCHANAN | IA ..... | 19019 | 1.75 |
| BUENA VISTA | IA ..... | 19021 | 1.75 |
| BUTLER | IA ..... | 19023 | 1.75 |
| CALHOUN | IA ..... | 19025 | 1.75 |
| CARROLL | IA ..... | 19027 | 1.80 |
| CASS | IA ..... | 19029 | 1.80 |
| CEDAR | IA ..... | 19031 | 1.80 |
| CERRO GORDO | IA ..... | 19033 | 1.75 |
| CHEROKEE | IA ..... | 19035 | 1.75 |
| CHICKASAW | IA ..... | 19037 | 1.75 |
| CLARKE | IA ..... | 19039 | 1.80 |
| CLAY | IA ..... | 19041 | 1.75 |
| CLAYTON | IA ..... | 19043 | 1.75 |
| CLINTON | IA ..... | 19045 | 1.80 |
| CRAWFORD | IA ..... | 19047 | 1.80 |
| DALLAS | IA ..... | 19049 | 1.80 |
| DAVIS | IA ..... | 19051 | 1.80 |
| DECATUR | IA ..... | 19053 | 1.80 |
| DELAWARE | IA ..... | 19055 | 1.75 |
| DES MOINES | IA ..... | 19057 | 1.80 |
| DICKINSON | IA ..... | 19059 | 1.75 |
| DUBUQUE | IA ..... | 19061 | 1.75 |
| EMMET | IA ..... | 19063 | 1.75 |
| FAYETTE | IA ..... | 19065 | 1.75 |
| FLOYD | IA ..... | 19067 | 1.75 |
| FRANKLIN | IA ..... | 19069 | 1.75 |
| FREMONT | IA ..... | 19071 | 1.85 |
| GREENE | IA ..... | 19073 | 1.80 |
| GRUNDY | IA ..... | 19075 | 1.75 |
| GUTHRIE | IA ..... | 19077 | 1.80 |
| HAMILTON | IA ..... | 19079 | 1.75 |
| HANCOCK | IA ..... | 19081 | 1.75 |
| HARDIN | IA ..... | 19083 | 1.75 |
| HARRISON | IA ..... | 19085 | 1.80 |
| HENRY | IA ..... | 19087 | 1.80 |
| HOWARD | IA ..... | 19089 | 1.75 |
| HUMBOLDT | IA ..... | 19091 | 1.75 |
| IDA | IA ..... | 19093 | 1.75 |
| IOWA | IA ..... | 19095 | 1.80 |
| JACKSON | IA ..... | 19097 | 1.80 |
| JASPER | IA ..... | 19099 | 1.80 |
| JEFFERSON | IA ..... | 19101 | 1.80 |
| JOHNSON | IA ..... | 19103 | 1.80 |
| JONES | IA ..... | 19105 | 1.80 |
| KEOKUK | IA ..... | 19107 | 1.80 |
| KOSSUTH | IA ..... | 19109 | 1.75 |
| LEE | IA ..... | 19111 | 1.80 |
| LINN | IA ..... | 19113 | 1.80 |
| LOUISA | IA ..... | 19115 | 1.80 |
| LUCAS | IA ..... | 19117 | 1.80 |
| LYON | IA ..... | 19119 | 1.75 |
| MADISON | IA ..... | 19121 | 1.80 |
| MAHASKA | IA ..... | 19123 | 1.80 |
| MARION | IA ..... | 19125 | 1.80 |
| MARSHALL | IA ..... | 19127 | 1.80 |
| MILLS | IA ..... | 19129 | 1.85 |
| MITCHELL | IA ..... | 19131 | 1.75 |
| MONONA | IA ..... | 19133 | 1.80 |
| MONROE | IA ..... | 19135 | 1.80 |
| MONTGOMERY | IA ..... | 19137 | 1.80 |
| MUSCATINE | IA ..... | 19139 | 1.80 |
| O'BRIEN | IA ..... | 19141 | 1.75 |
| OSCEOLA | IA ..... | 19143 | 1.75 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| PAGE | IA | 19145 | 1.80 |
| PALO ALTO | IA | 19147 | 1.75 |
| PLYMOUTH | IA | 19149 | 1.75 |
| POCAHONTAS | IA | 19151 | 1.75 |
| POLK | IA | 19153 | 1.80 |
| POTTAWATTAMIE | IA | 19155 | 1.85 |
| POWESHIEK | IA | 19157 | 1.80 |
| RINGGOLD | IA | 19159 | 1.80 |
| SAC | IA | 19161 | 1.75 |
| SCOTT | IA | 19163 | 1.80 |
| SHELBY | IA | 19165 | 1.80 |
| SIOUX | IA | 19167 | 1.75 |
| STORY | IA | 19169 | 1.80 |
| TAMA | IA | 19171 | 1.80 |
| TAYLOR | IA | 19173 | 1.80 |
| UNION | IA | 19175 | 1.80 |
| VAN BUREN | IA | 19177 | 1.80 |
| WAPELLO | IA | 19179 | 1.80 |
| WARREN | IA | 19181 | 1.80 |
| WASHINGTON | IA | 19183 | 1.80 |
| WAYNE | IA | 19185 | 1.80 |
| WEBSTER | IA | 19187 | 1.75 |
| WINNEBAGO | IA | 19189 | 1.75 |
| WINNESHIEK | IA | 19191 | 1.75 |
| WOODBURY | IA | 19193 | 1.75 |
| WORTH | IA | 19195 | 1.75 |
| WRIGHT | IA | 19197 | 1.75 |
| ADA | ID | 16001 | 1.60 |
| ADAMS | ID | 16003 | 1.60 |
| BANNOCK | ID | 16005 | 1.60 |
| BEAR LAKE | ID | 16007 | 1.60 |
| BENEWAH | ID | 16009 | 1.90 |
| BINGHAM | ID | 16011 | 1.60 |
| BLAINE | ID | 16013 | 1.60 |
| BOISE | ID | 16015 | 1.60 |
| BONNER | ID | 16017 | 1.90 |
| BONNEVILLE | ID | 16019 | 1.60 |
| BOUNDARY | ID | 16021 | 1.90 |
| BUTTE | ID | 16023 | 1.60 |
| CAMAS | ID | 16025 | 1.60 |
| CANYON | ID | 16027 | 1.60 |
| CARIBOU | ID | 16029 | 1.60 |
| CASSIA | ID | 16031 | 1.60 |
| CLARK | ID | 16033 | 1.60 |
| CLEARWATER | ID | 16035 | 1.60 |
| CUSTER | ID | 16037 | 1.60 |
| ELMORE | ID | 16039 | 1.60 |
| FRANKLIN | ID | 16041 | 1.60 |
| FREMONT | ID | 16043 | 1.60 |
| GEM | ID | 16045 | 1.60 |
| GOODING | ID | 16047 | 1.60 |
| IDAHO | ID | 16049 | 1.60 |
| JEFFERSON | ID | 16051 | 1.60 |
| JEROME | ID | 16053 | 1.60 |
| KOOTENAI | ID | 16055 | 1.90 |
| LATAH | ID | 16057 | 1.90 |
| LEMHI | ID | 16059 | 1.60 |
| LEWIS | ID | 16061 | 1.60 |
| LINCOLN | ID | 16063 | 1.60 |
| MADISON | ID | 16065 | 1.60 |
| MINIDOKA | ID | 16067 | 1.60 |
| NEZ PERCE | ID | 16069 | 1.60 |
| ONEIDA | ID | 16071 | 1.60 |
| OWYHEE | ID | 16073 | 1.60 |
| PAYETTE | ID | 16075 | 1.60 |
| POWER | ID | 16077 | 1.60 |
| SHOSHONE | ID | 16079 | 1.90 |
| TETON | ID | 16081 | 1.60 |
| TWIN FALLS | ID | 16083 | 1.60 |
| VALLEY | ID | 16085 | 1.60 |
| WASHINGTON | ID | 16087 | 1.60 |
| ADAMS | IL | 17001 | 1.80 |
| ALEXANDER | IL | 17003 | 2.20 |
| BOND | IL | 17005 | 2.00 |
| BOONE | IL | 17007 | 1.75 |
| BROWN | IL | 17009 | 1.80 |
| BUREAU | IL | 17011 | 1.80 |
| CALHOUN | IL | 17013 | 2.00 |
| CARROLL | IL | 17015 | 1.80 |
| CASS | IL | 17017 | 1.80 |
| CHAMPAIGN | IL | 17019 | 1.80 |
| CHRISTIAN | IL | 17021 | 2.00 |
| CLARK | IL | 17023 | 2.00 |
| CLAY | IL | 17025 | 2.00 |
| CLINTON | IL | 17027 | 2.00 |
| COLES | IL | 17029 | 2.00 |
| COOK | IL | 17031 | 1.80 |
| CRAWFORD | IL | 17033 | 2.00 |
| CUMBERLAND | IL | 17035 | 2.00 |
| DE KALB | IL | 17037 | 1.80 |
| DE WITT | IL | 17039 | 1.80 |
| DOUGLAS | IL | 17041 | 2.00 |
| DU PAGE | IL | 17043 | 1.80 |
| EDGAR | IL | 17045 | 2.00 |
| EDWARDS | IL | 17047 | 2.20 |
| EFFINGHAM | IL | 17049 | 2.00 |
| FAYETTE | IL | 17051 | 2.00 |
| FORD | IL | 17053 | 1.80 |
| FRANKLIN | IL | 17055 | 2.20 |
| FULTON | IL | 17057 | 1.80 |
| GALLATIN | IL | 17059 | 2.20 |
| GREENE | IL | 17061 | 2.00 |
| GRUNDY | IL | 17063 | 1.80 |
| HAMILTON | IL | 17065 | 2.20 |
| HANCOCK | IL | 17067 | 1.80 |
| HARDIN | IL | 17069 | 2.20 |
| HENDERSON | IL | 17071 | 1.80 |
| HENRY | IL | 17073 | 1.80 |
| IROQUOIS | IL | 17075 | 1.80 |
| JACKSON | IL | 17077 | 2.20 |
| JASPER | IL | 17079 | 2.00 |
| JEFFERSON | IL | 17081 | 2.00 |
| JERSEY | IL | 17083 | 2.00 |
| JO DAVIESS | IL | 17085 | 1.75 |
| JOHNSON | IL | 17087 | 2.20 |
| KANE | IL | 17089 | 1.80 |
| KANKAKEE | IL | 17091 | 1.80 |
| KENDALL | IL | 17093 | 1.80 |
| KNOX | IL | 17095 | 1.80 |
| LA SALLE | IL | 17099 | 1.80 |
| LAKE | IL | 17097 | 1.80 |
| LAWRENCE | IL | 17101 | 2.00 |
| LEE | IL | 17103 | 1.80 |
| LIVINGSTON | IL | 17105 | 1.80 |
| LOGAN | IL | 17107 | 1.80 |
| MACON | IL | 17115 | 1.80 |
| MACOUPIN | IL | 17117 | 2.00 |
| MADISON | IL | 17119 | 2.00 |
| MARION | IL | 17121 | 2.00 |
| MARSHALL | IL | 17123 | 1.80 |
| MASON | IL | 17125 | 1.80 |
| MASSAC | IL | 17127 | 2.20 |
| MCDONOUGH | IL | 17109 | 1.80 |
| MCHENRY | IL | 17111 | 1.80 |
| MCLEAN | IL | 17113 | 1.80 |
| MENARD | IL | 17129 | 1.80 |
| MERCER | IL | 17131 | 1.80 |
| MONROE | IL | 17133 | 2.00 |
| MONTGOMERY | IL | 17135 | 2.00 |
| MORGAN | IL | 17137 | 1.80 |
| MOULTRIE | IL | 17139 | 2.00 |
| OGLE | IL | 17141 | 1.80 |
| PEORIA | IL | 17143 | 1.80 |
| PERRY | IL | 17145 | 2.00 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| PIATT | IL | 17147 | 1.80 |
| PIKE | IL | 17149 | 1.80 |
| POPE | IL | 17151 | 2.20 |
| PULASKI | IL | 17153 | 2.20 |
| PUTNAM | IL | 17155 | 1.80 |
| RANDOLPH | IL | 17157 | 2.00 |
| RICHLAND | IL | 17159 | 2.00 |
| ROCK ISLAND | IL | 17161 | 1.80 |
| SALINE | IL | 17165 | 2.20 |
| SANGAMON | IL | 17167 | 1.80 |
| SCHUYLER | IL | 17169 | 1.80 |
| SCOTT | IL | 17171 | 1.80 |
| SHELBY | IL | 17173 | 2.00 |
| ST. CLAIR | IL | 17163 | 2.00 |
| STARK | IL | 17175 | 1.80 |
| STEPHENSON | IL | 17177 | 1.75 |
| TAZEWELL | IL | 17179 | 1.80 |
| UNION | IL | 17181 | 2.20 |
| VERMILION | IL | 17183 | 1.80 |
| WABASH | IL | 17185 | 2.20 |
| WARREN | IL | 17187 | 1.80 |
| WASHINGTON | IL | 17189 | 2.00 |
| WAYNE | IL | 17191 | 2.20 |
| WHITE | IL | 17193 | 2.20 |
| WHITESIDE | IL | 17195 | 1.80 |
| WILL | IL | 17197 | 1.80 |
| WILLIAMSON | IL | 17199 | 2.20 |
| WINNEBAGO | IL | 17201 | 1.75 |
| WOODFORD | IL | 17203 | 1.80 |
| ADAMS | IN | 18001 | 1.80 |
| ALLEN | IN | 18003 | 1.80 |
| BARTHOLOMEW | IN | 18005 | 2.20 |
| BENTON | IN | 18007 | 1.80 |
| BLACKFORD | IN | 18009 | 1.80 |
| BOONE | IN | 18011 | 2.00 |
| BROWN | IN | 18013 | 2.20 |
| CARROLL | IN | 18015 | 1.80 |
| CASS | IN | 18017 | 1.80 |
| CLARK | IN | 18019 | 2.20 |
| CLAY | IN | 18021 | 2.00 |
| CLINTON | IN | 18023 | 1.80 |
| CRAWFORD | IN | 18025 | 2.20 |
| DAVIESS | IN | 18027 | 2.20 |
| DEKALB | IN | 18033 | 1.80 |
| DEARBORN | IN | 18029 | 2.20 |
| DECATUR | IN | 18031 | 2.20 |
| DELAWARE | IN | 18035 | 2.00 |
| DUBOIS | IN | 18037 | 2.20 |
| ELKHART | IN | 18039 | 1.80 |
| FAYETTE | IN | 18041 | 2.00 |
| FLOYD | IN | 18043 | 2.20 |
| FOUNTAIN | IN | 18045 | 1.80 |
| FRANKLIN | IN | 18047 | 2.00 |
| FULTON | IN | 18049 | 1.80 |
| GIBSON | IN | 18051 | 2.20 |
| GRANT | IN | 18053 | 1.80 |
| GREENE | IN | 18055 | 2.20 |
| HAMILTON | IN | 18057 | 2.00 |
| HANCOCK | IN | 18059 | 2.00 |
| HARRISON | IN | 18061 | 2.20 |
| HENDRICKS | IN | 18063 | 2.00 |
| HENRY | IN | 18065 | 2.00 |
| HOWARD | IN | 18067 | 1.80 |
| HUNTINGTON | IN | 18069 | 1.80 |
| JACKSON | IN | 18071 | 2.20 |
| JASPER | IN | 18073 | 1.80 |
| JAY | IN | 18075 | 1.80 |
| JEFFERSON | IN | 18077 | 2.20 |
| JENNINGS | IN | 18079 | 2.20 |
| JOHNSON | IN | 18081 | 2.00 |
| KNOX | IN | 18083 | 2.20 |
| KOSCIUSKO | IN | 18085 | 1.80 |
| LA PORTE | IN | 18091 | 1.80 |
| LAGRANGE | IN | 18087 | 1.80 |
| LAKE | IN | 18089 | 1.80 |
| LAWRENCE | IN | 18093 | 2.20 |
| MADISON | IN | 18095 | 2.00 |
| MARION | IN | 18097 | 2.00 |
| MARSHALL | IN | 18099 | 1.80 |
| MARTIN | IN | 18101 | 2.20 |
| MIAMI | IN | 18103 | 1.80 |
| MONROE | IN | 18105 | 2.20 |
| MONTGOMERY | IN | 18107 | 2.00 |
| MORGAN | IN | 18109 | 2.00 |
| NEWTON | IN | 18111 | 1.80 |
| NOBLE | IN | 18113 | 1.80 |
| OHIO | IN | 18115 | 2.20 |
| ORANGE | IN | 18117 | 2.20 |
| OWEN | IN | 18119 | 2.00 |
| PARKE | IN | 18121 | 2.00 |
| PERRY | IN | 18123 | 2.20 |
| PIKE | IN | 18125 | 2.20 |
| PORTER | IN | 18127 | 1.80 |
| POSEY | IN | 18129 | 2.20 |
| PULASKI | IN | 18131 | 1.80 |
| PUTNAM | IN | 18133 | 2.00 |
| RANDOLPH | IN | 18135 | 2.00 |
| RIPLEY | IN | 18137 | 2.20 |
| RUSH | IN | 18139 | 2.00 |
| SCOTT | IN | 18143 | 2.20 |
| SHELBY | IN | 18145 | 2.00 |
| SPENCER | IN | 18147 | 2.20 |
| ST. JOSEPH | IN | 18141 | 1.80 |
| STARKE | IN | 18149 | 1.80 |
| STEUBEN | IN | 18151 | 1.80 |
| SULLIVAN | IN | 18153 | 2.20 |
| SWITZERLAND | IN | 18155 | 2.20 |
| TIPPECANOE | IN | 18157 | 1.80 |
| TIPTON | IN | 18159 | 1.80 |
| UNION | IN | 18161 | 2.00 |
| VANDERBURGH | IN | 18163 | 2.20 |
| VERMILLION | IN | 18165 | 2.00 |
| VIGO | IN | 18167 | 2.00 |
| WABASH | IN | 18169 | 1.80 |
| WARREN | IN | 18171 | 1.80 |
| WARRICK | IN | 18173 | 2.20 |
| WASHINGTON | IN | 18175 | 2.20 |
| WAYNE | IN | 18177 | 2.00 |
| WELLS | IN | 18179 | 1.80 |
| WHITE | IN | 18181 | 1.80 |
| WHITLEY | IN | 18183 | 1.80 |
| ALLEN | KS | 20001 | 2.20 |
| ANDERSON | KS | 20003 | 2.00 |
| ATCHISON | KS | 20005 | 2.00 |
| BARBER | KS | 20007 | 2.20 |
| BARTON | KS | 20009 | 2.20 |
| BOURBON | KS | 20011 | 2.20 |
| BROWN | KS | 20013 | 2.00 |
| BUTLER | KS | 20015 | 2.20 |
| CHASE | KS | 20017 | 2.20 |
| CHAUTAUQUA | KS | 20019 | 2.20 |
| CHEROKEE | KS | 20021 | 2.20 |
| CHEYENNE | KS | 20023 | 2.20 |
| CLARK | KS | 20025 | 2.20 |
| CLAY | KS | 20027 | 2.00 |
| CLOUD | KS | 20029 | 2.00 |
| COFFEY | KS | 20031 | 2.00 |
| COMANCHE | KS | 20033 | 2.20 |
| COWLEY | KS | 20035 | 2.20 |
| CRAWFORD | KS | 20037 | 2.20 |
| DECATUR | KS | 20039 | 2.00 |
| DICKINSON | KS | 20041 | 2.00 |
| DONIPHAN | KS | 20043 | 2.00 |
| DOUGLAS | KS | 20045 | 2.00 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| EDWARDS | KS .... | 20047 | 2.20 |
| ELK | KS .... | 20049 | 2.20 |
| ELLIS | KS .... | 20051 | 2.00 |
| ELLSWORTH | KS .... | 20053 | 2.00 |
| FINNEY | KS .... | 20055 | 2.20 |
| FORD | KS .... | 20057 | 2.20 |
| FRANKLIN | KS .... | 20059 | 2.00 |
| GEARY | KS .... | 20061 | 2.00 |
| GOVE | KS .... | 20063 | 2.20 |
| GRAHAM | KS .... | 20065 | 2.00 |
| GRANT | KS .... | 20067 | 2.20 |
| GRAY | KS .... | 20069 | 2.20 |
| GREELEY | KS .... | 20071 | 2.20 |
| GREENWOOD | KS .... | 20073 | 2.20 |
| HAMILTON | KS .... | 20075 | 2.20 |
| HARPER | KS .... | 20077 | 2.20 |
| HARVEY | KS .... | 20079 | 2.20 |
| HASKELL | KS .... | 20081 | 2.20 |
| HODGEMAN | KS .... | 20083 | 2.20 |
| JACKSON | KS .... | 20085 | 2.00 |
| JEFFERSON | KS .... | 20087 | 2.00 |
| JEWELL | KS .... | 20089 | 2.00 |
| JOHNSON | KS .... | 20091 | 2.00 |
| KEARNY | KS .... | 20093 | 2.20 |
| KINGMAN | KS .... | 20095 | 2.20 |
| KIOWA | KS .... | 20097 | 2.20 |
| LABETTE | KS .... | 20099 | 2.20 |
| LANE | KS .... | 20101 | 2.20 |
| LEAVENWORTH | KS .... | 20103 | 2.00 |
| LINCOLN | KS .... | 20105 | 2.00 |
| LINN | KS .... | 20107 | 2.00 |
| LOGAN | KS .... | 20109 | 2.20 |
| LYON | KS .... | 20111 | 2.00 |
| MARION | KS .... | 20115 | 2.20 |
| MARSHALL | KS .... | 20117 | 2.00 |
| MCPHERSON | KS .... | 20113 | 2.20 |
| MEADE | KS .... | 20119 | 2.20 |
| MIAMI | KS .... | 20121 | 2.00 |
| MITCHELL | KS .... | 20123 | 2.00 |
| MONTGOMERY | KS .... | 20125 | 2.20 |
| MORRIS | KS .... | 20127 | 2.00 |
| MORTON | KS .... | 20129 | 2.20 |
| NEMAHA | KS .... | 20131 | 2.00 |
| NEOSHO | KS .... | 20133 | 2.20 |
| NESS | KS .... | 20135 | 2.20 |
| NORTON | KS .... | 20137 | 2.00 |
| OSAGE | KS .... | 20139 | 2.00 |
| OSBORNE | KS .... | 20141 | 2.00 |
| OTTAWA | KS .... | 20143 | 2.00 |
| PAWNEE | KS .... | 20145 | 2.20 |
| PHILLIPS | KS .... | 20147 | 2.00 |
| POTTAWATOMIE | KS .... | 20149 | 2.00 |
| PRATT | KS .... | 20151 | 2.20 |
| RAWLINS | KS .... | 20153 | 2.00 |
| RENO | KS .... | 20155 | 2.20 |
| REPUBLIC | KS .... | 20157 | 2.00 |
| RICE | KS .... | 20159 | 2.20 |
| RILEY | KS .... | 20161 | 2.00 |
| ROOKS | KS .... | 20163 | 2.00 |
| RUSH | KS .... | 20165 | 2.20 |
| RUSSELL | KS .... | 20167 | 2.00 |
| SALINE | KS .... | 20169 | 2.00 |
| SCOTT | KS .... | 20171 | 2.20 |
| SEDGWICK | KS .... | 20173 | 2.20 |
| SEWARD | KS .... | 20175 | 2.20 |
| SHAWNEE | KS .... | 20177 | 2.00 |
| SHERIDAN | KS .... | 20179 | 2.00 |
| SHERMAN | KS .... | 20181 | 2.20 |
| SMITH | KS .... | 20183 | 2.00 |
| STAFFORD | KS .... | 20185 | 2.20 |
| STANTON | KS .... | 20187 | 2.20 |
| STEVENS | KS .... | 20189 | 2.20 |
| SUMNER | KS .... | 20191 | 2.20 |
| THOMAS | KS .... | 20193 | 2.00 |
| TREGO | KS .... | 20195 | 2.20 |
| WABAUNSEE | KS .... | 20197 | 2.00 |
| WALLACE | KS .... | 20199 | 2.20 |
| WASHINGTON | KS .... | 20201 | 2.00 |
| WICHITA | KS .... | 20203 | 2.20 |
| WILSON | KS .... | 20205 | 2.20 |
| WOODSON | KS .... | 20207 | 2.20 |
| WYANDOTTE | KS .... | 20209 | 2.00 |
| ADAIR | KY .... | 21001 | 2.40 |
| ALLEN | KY .... | 21003 | 2.40 |
| ANDERSON | KY .... | 21005 | 2.20 |
| BALLARD | KY .... | 21007 | 2.40 |
| BARREN | KY .... | 21009 | 2.40 |
| BATH | KY .... | 21011 | 2.20 |
| BELL | KY .... | 21013 | 2.40 |
| BOONE | KY .... | 21015 | 2.20 |
| BOURBON | KY .... | 21017 | 2.20 |
| BOYD | KY .... | 21019 | 2.20 |
| BOYLE | KY .... | 21021 | 2.20 |
| BRACKEN | KY .... | 21023 | 2.20 |
| BREATHITT | KY .... | 21025 | 2.20 |
| BRECKINRIDGE | KY .... | 21027 | 2.20 |
| BULLITT | KY .... | 21029 | 2.20 |
| BUTLER | KY .... | 21031 | 2.40 |
| CALDWELL | KY .... | 21033 | 2.40 |
| CALLOWAY | KY .... | 21035 | 2.40 |
| CAMPBELL | KY .... | 21037 | 2.20 |
| CARLISLE | KY .... | 21039 | 2.40 |
| CARROLL | KY .... | 21041 | 2.20 |
| CARTER | KY .... | 21043 | 2.20 |
| CASEY | KY .... | 21045 | 2.40 |
| CHRISTIAN | KY .... | 21047 | 2.40 |
| CLARK | KY .... | 21049 | 2.20 |
| CLAY | KY .... | 21051 | 2.40 |
| CLINTON | KY .... | 21053 | 2.40 |
| CRITTENDEN | KY .... | 21055 | 2.40 |
| CUMBERLAND | KY .... | 21057 | 2.40 |
| DAVIESS | KY .... | 21059 | 2.20 |
| EDMONSON | KY .... | 21061 | 2.40 |
| ELLIOTT | KY .... | 21063 | 2.20 |
| ESTILL | KY .... | 21065 | 2.20 |
| FAYETTE | KY .... | 21067 | 2.20 |
| FLEMING | KY .... | 21069 | 2.20 |
| FLOYD | KY .... | 21071 | 2.20 |
| FRANKLIN | KY .... | 21073 | 2.20 |
| FULTON | KY .... | 21075 | 2.40 |
| GALLATIN | KY .... | 21077 | 2.20 |
| GARRARD | KY .... | 21079 | 2.20 |
| GRANT | KY .... | 21081 | 2.20 |
| GRAVES | KY .... | 21083 | 2.40 |
| GRAYSON | KY .... | 21085 | 2.40 |
| GREEN | KY .... | 21087 | 2.40 |
| GREENUP | KY .... | 21089 | 2.20 |
| HANCOCK | KY .... | 21091 | 2.20 |
| HARDIN | KY .... | 21093 | 2.20 |
| HARLAN | KY .... | 21095 | 2.40 |
| HARRISON | KY .... | 21097 | 2.20 |
| HART | KY .... | 21099 | 2.40 |
| HENDERSON | KY .... | 21101 | 2.20 |
| HENRY | KY .... | 21103 | 2.20 |
| HICKMAN | KY .... | 21105 | 2.40 |
| HOPKINS | KY .... | 21107 | 2.40 |
| JACKSON | KY .... | 21109 | 2.20 |
| JEFFERSON | KY .... | 21111 | 2.20 |
| JESSAMINE | KY .... | 21113 | 2.20 |
| JOHNSON | KY .... | 21115 | 2.20 |
| KENTON | KY .... | 21117 | 2.20 |
| KNOTT | KY .... | 21119 | 2.40 |
| KNOX | KY .... | 21121 | 2.40 |
| LARUE | KY .... | 21123 | 2.20 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| LAUREL | KY .... | 21125 | 2.40 |
| LAWRENCE | KY .... | 21127 | 2.20 |
| LEE | KY .... | 21129 | 2.20 |
| LESLIE | KY .... | 21131 | 2.40 |
| LETCHER | KY .... | 21133 | 2.40 |
| LEWIS | KY .... | 21135 | 2.20 |
| LINCOLN | KY .... | 21137 | 2.20 |
| LIVINGSTON | KY .... | 21139 | 2.40 |
| LOGAN | KY .... | 21141 | 2.40 |
| LYON | KY .... | 21143 | 2.40 |
| MADISON | KY .... | 21151 | 2.20 |
| MAGOFFIN | KY .... | 21153 | 2.20 |
| MARION | KY .... | 21155 | 2.20 |
| MARSHALL | KY .... | 21157 | 2.40 |
| MARTIN | KY .... | 21159 | 2.20 |
| MASON | KY .... | 21161 | 2.20 |
| MCCRACKEN | KY .... | 21145 | 2.40 |
| MCCREARY | KY .... | 21147 | 2.40 |
| MCLEAN | KY .... | 21149 | 2.20 |
| MEADE | KY .... | 21163 | 2.20 |
| MENIFEE | KY .... | 21165 | 2.20 |
| MERCER | KY .... | 21167 | 2.20 |
| METCALFE | KY .... | 21169 | 2.40 |
| MONROE | KY .... | 21171 | 2.40 |
| MONTGOMERY | KY .... | 21173 | 2.20 |
| MORGAN | KY .... | 21175 | 2.20 |
| MUHLENBERG | KY .... | 21177 | 2.40 |
| NELSON | KY .... | 21179 | 2.20 |
| NICHOLAS | KY .... | 21181 | 2.20 |
| OHIO | KY .... | 21183 | 2.40 |
| OLDHAM | KY .... | 21185 | 2.20 |
| OWEN | KY .... | 21187 | 2.20 |
| OWSLEY | KY .... | 21189 | 2.20 |
| PENDLETON | KY .... | 21191 | 2.20 |
| PERRY | KY .... | 21193 | 2.40 |
| PIKE | KY .... | 21195 | 2.40 |
| POWELL | KY .... | 21197 | 2.20 |
| PULASKI | KY .... | 21199 | 2.40 |
| ROBERTSON | KY .... | 21201 | 2.20 |
| ROCKCASTLE | KY .... | 21203 | 2.20 |
| ROWAN | KY .... | 21205 | 2.20 |
| RUSSELL | KY .... | 21207 | 2.40 |
| SCOTT | KY .... | 21209 | 2.20 |
| SHELBY | KY .... | 21211 | 2.20 |
| SIMPSON | KY .... | 21213 | 2.40 |
| SPENCER | KY .... | 21215 | 2.20 |
| TAYLOR | KY .... | 21217 | 2.40 |
| TODD | KY .... | 21219 | 2.40 |
| TRIGG | KY .... | 21221 | 2.40 |
| TRIMBLE | KY .... | 21223 | 2.20 |
| UNION | KY .... | 21225 | 2.20 |
| WARREN | KY .... | 21227 | 2.40 |
| WASHINGTON | KY .... | 21229 | 2.20 |
| WAYNE | KY .... | 21231 | 2.40 |
| WEBSTER | KY .... | 21233 | 2.40 |
| WHITLEY | KY .... | 21235 | 2.40 |
| WOLFE | KY .... | 21237 | 2.20 |
| WOODFORD | KY .... | 21239 | 2.20 |
| ACADIA | LA .... | 22001 | 3.50 |
| ALLEN | LA .... | 22003 | 3.50 |
| ASCENSION | LA .... | 22005 | 3.60 |
| ASSUMPTION | LA .... | 22007 | 3.60 |
| AVOYELLES | LA .... | 22009 | 3.40 |
| BEAUREGARD | LA .... | 22011 | 3.50 |
| BIENVILLE | LA .... | 22013 | 3.30 |
| BOSSIER | LA .... | 22015 | 3.10 |
| CADDO | LA .... | 22017 | 3.10 |
| CALCASIEU | LA .... | 22019 | 3.50 |
| CALDWELL | LA .... | 22021 | 3.30 |
| CAMERON | LA .... | 22023 | 3.60 |
| CATAHOULA | LA .... | 22025 | 3.40 |
| CLAIBORNE | LA .... | 22027 | 3.10 |
| CONCORDIA | LA .... | 22029 | 3.40 |
| DE SOTO | LA .... | 22031 | 3.30 |
| EAST BATON ROUGE | LA .... | 22033 | 3.60 |
| EAST CARROLL | LA .... | 22035 | 3.10 |
| EAST FELICIANA | LA .... | 22037 | 3.50 |
| EVANGELINE | LA .... | 22039 | 3.50 |
| FRANKLIN | LA .... | 22041 | 3.30 |
| GRANT | LA .... | 22043 | 3.40 |
| IBERIA | LA .... | 22045 | 3.60 |
| IBERVILLE | LA .... | 22047 | 3.60 |
| JACKSON | LA .... | 22049 | 3.30 |
| JEFFERSON | LA .... | 22051 | 3.60 |
| JEFFERSON DAVIS | LA .... | 22053 | 3.50 |
| LA SALLE | LA .... | 22059 | 3.40 |
| LAFAYETTE | LA .... | 22055 | 3.60 |
| LAFOURCHE | LA .... | 22057 | 3.60 |
| LINCOLN | LA .... | 22061 | 3.10 |
| LIVINGSTON | LA .... | 22063 | 3.60 |
| MADISON | LA .... | 22065 | 3.30 |
| MOREHOUSE | LA .... | 22067 | 3.10 |
| NATCHITOCHES | LA .... | 22069 | 3.30 |
| ORLEANS | LA .... | 22071 | 3.60 |
| OUACHITA | LA .... | 22073 | 3.10 |
| PLAQUEMINES | LA .... | 22075 | 3.60 |
| POINTE COUPEE | LA .... | 22077 | 3.50 |
| RAPIDES | LA .... | 22079 | 3.40 |
| RED RIVER | LA .... | 22081 | 3.30 |
| RICHLAND | LA .... | 22083 | 3.10 |
| SABINE | LA .... | 22085 | 3.30 |
| ST. BERNARD | LA .... | 22087 | 3.60 |
| ST. CHARLES | LA .... | 22089 | 3.60 |
| ST. HELENA | LA .... | 22091 | 3.50 |
| ST. JAMES | LA .... | 22093 | 3.60 |
| ST. JOHN THE BAPTIST | LA .... | 22095 | 3.60 |
| ST. LANDRY | LA .... | 22097 | 3.50 |
| ST. MARTIN | LA .... | 22099 | 3.60 |
| ST. MARY | LA .... | 22101 | 3.60 |
| ST. TAMMANY | LA .... | 22103 | 3.50 |
| TANGIPAHOA | LA .... | 22105 | 3.60 |
| TENSAS | LA .... | 22107 | 3.30 |
| TERREBONNE | LA .... | 22109 | 3.60 |
| UNION | LA .... | 22111 | 3.10 |
| VERMILION | LA .... | 22113 | 3.60 |
| VERNON | LA .... | 22115 | 3.40 |
| WASHINGTON | LA .... | 22117 | 3.50 |
| WEBSTER | LA .... | 22119 | 3.10 |
| WEST BATON ROUGE | LA .... | 22121 | 3.60 |
| WEST CARROLL | LA .... | 22123 | 3.10 |
| WEST FELICIANA | LA .... | 22125 | 3.50 |
| WINN | LA .... | 22127 | 3.30 |
| BARNSTABLE | MA ... | 25001 | 3.25 |
| BERKSHIRE | MA ... | 25003 | 2.80 |
| BRISTOL | MA ... | 25005 | 3.25 |
| DUKES | MA ... | 25007 | 3.25 |
| ESSEX | MA ... | 25009 | 3.25 |
| FRANKLIN | MA ... | 25011 | 3.00 |
| HAMPDEN | MA ... | 25013 | 3.00 |
| HAMPSHIRE | MA ... | 25015 | 3.00 |
| MIDDLESEX | MA ... | 25017 | 3.25 |
| NANTUCKET | MA ... | 25019 | 3.25 |
| NORFOLK | MA ... | 25021 | 3.25 |
| PLYMOUTH | MA ... | 25023 | 3.25 |
| SUFFOLK | MA ... | 25025 | 3.25 |
| WORCESTER | MA ... | 25027 | 3.10 |
| ALLEGANY | MD ... | 24001 | 2.60 |
| ANNE ARUNDEL | MD ... | 24003 | 3.00 |
| BALTIMORE | MD ... | 24005 | 3.00 |
| BALTIMORE CITY | MD ... | 24510 | 3.00 |
| CALVERT | MD ... | 24009 | 3.00 |
| CAROLINE | MD ... | 24011 | 3.00 |
| CARROLL | MD ... | 24013 | 2.90 |
| CECIL | MD ... | 24015 | 3.05 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| CHARLES | MD | 24017 | 3.00 |
| DORCHESTER | MD | 24019 | 3.00 |
| FREDERICK | MD | 24021 | 2.90 |
| GARRETT | MD | 24023 | 2.60 |
| HARFORD | MD | 24025 | 3.00 |
| HOWARD | MD | 24027 | 3.00 |
| KENT | MD | 24029 | 3.00 |
| MONTGOMERY | MD | 24031 | 3.00 |
| PRINCE GEORGE'S | MD | 24033 | 3.00 |
| QUEEN ANNE'S | MD | 24035 | 3.00 |
| SOMERSET | MD | 24039 | 3.00 |
| ST. MARY'S | MD | 24037 | 3.00 |
| TALBOT | MD | 24041 | 3.00 |
| WASHINGTON | MD | 24043 | 2.80 |
| WICOMICO | MD | 24045 | 3.00 |
| WORCESTER | MD | 24047 | 3.00 |
| ANDROSCOGGIN | ME | 23001 | 2.80 |
| AROOSTOOK | ME | 23003 | 2.60 |
| CUMBERLAND | ME | 23005 | 3.00 |
| FRANKLIN | ME | 23007 | 2.60 |
| HANCOCK | ME | 23009 | 2.80 |
| KENNEBEC | ME | 23011 | 2.80 |
| KNOX | ME | 23013 | 2.80 |
| LINCOLN | ME | 23015 | 2.80 |
| OXFORD | ME | 23017 | 2.80 |
| PENOBSCOT | ME | 23019 | 2.80 |
| PISCATAQUIS | ME | 23021 | 2.60 |
| SAGADAHOC | ME | 23023 | 2.80 |
| SOMERSET | ME | 23025 | 2.60 |
| WALDO | ME | 23027 | 2.80 |
| WASHINGTON | ME | 23029 | 2.80 |
| YORK | ME | 23031 | 3.00 |
| ALCONA | MI | 26001 | 1.80 |
| ALGER | MI | 26003 | 1.80 |
| ALLEGAN | MI | 26005 | 1.80 |
| ALPENA | MI | 26007 | 1.80 |
| ANTRIM | MI | 26009 | 1.80 |
| ARENAC | MI | 26011 | 1.80 |
| BARAGA | MI | 26013 | 1.70 |
| BARRY | MI | 26015 | 1.80 |
| BAY | MI | 26017 | 1.80 |
| BENZIE | MI | 26019 | 1.80 |
| BERRIEN | MI | 26021 | 1.80 |
| BRANCH | MI | 26023 | 1.80 |
| CALHOUN | MI | 26025 | 1.80 |
| CASS | MI | 26027 | 1.80 |
| CHARLEVOIX | MI | 26029 | 1.80 |
| CHEBOYGAN | MI | 26031 | 1.80 |
| CHIPPEWA | MI | 26033 | 1.80 |
| CLARE | MI | 26035 | 1.80 |
| CLINTON | MI | 26037 | 1.80 |
| CRAWFORD | MI | 26039 | 1.80 |
| DELTA | MI | 26041 | 1.70 |
| DICKINSON | MI | 26043 | 1.70 |
| EATON | MI | 26045 | 1.80 |
| EMMET | MI | 26047 | 1.80 |
| GENESEE | MI | 26049 | 1.80 |
| GLADWIN | MI | 26051 | 1.80 |
| GOGEBIC | MI | 26053 | 1.70 |
| GRAND TRAVERSE | MI | 26055 | 1.80 |
| GRATIOT | MI | 26057 | 1.80 |
| HILLSDALE | MI | 26059 | 1.80 |
| HOUGHTON | MI | 26061 | 1.70 |
| HURON | MI | 26063 | 1.80 |
| INGHAM | MI | 26065 | 1.80 |
| IONIA | MI | 26067 | 1.80 |
| IOSCO | MI | 26069 | 1.80 |
| IRON | MI | 26071 | 1.70 |
| ISABELLA | MI | 26073 | 1.80 |
| JACKSON | MI | 26075 | 1.80 |
| KALAMAZOO | MI | 26077 | 1.80 |
| KALKASKA | MI | 26079 | 1.80 |
| KENT | MI | 26081 | 1.80 |
| KEWEENAW | MI | 26083 | 1.70 |
| LAKE | MI | 26085 | 1.80 |
| LAPEER | MI | 26087 | 1.80 |
| LEELANAU | MI | 26089 | 1.80 |
| LENAWEE | MI | 26091 | 1.80 |
| LIVINGSTON | MI | 26093 | 1.80 |
| LUCE | MI | 26095 | 1.80 |
| MACKINAC | MI | 26097 | 1.80 |
| MACOMB | MI | 26099 | 1.80 |
| MANISTEE | MI | 26101 | 1.80 |
| MARQUETTE | MI | 26103 | 1.80 |
| MASON | MI | 26105 | 1.80 |
| MECOSTA | MI | 26107 | 1.80 |
| MENOMINEE | MI | 26109 | 1.70 |
| MIDLAND | MI | 26111 | 1.80 |
| MISSAUKEE | MI | 26113 | 1.80 |
| MONROE | MI | 26115 | 1.80 |
| MONTCALM | MI | 26117 | 1.80 |
| MONTMORENCY | MI | 26119 | 1.80 |
| MUSKEGON | MI | 26121 | 1.80 |
| NEWAYGO | MI | 26123 | 1.80 |
| OAKLAND | MI | 26125 | 1.80 |
| OCEANA | MI | 26127 | 1.80 |
| OGEMAW | MI | 26129 | 1.80 |
| ONTONAGON | MI | 26131 | 1.70 |
| OSCEOLA | MI | 26133 | 1.80 |
| OSCODA | MI | 26135 | 1.80 |
| OTSEGO | MI | 26137 | 1.80 |
| OTTAWA | MI | 26139 | 1.80 |
| PRESQUE ISLE | MI | 26141 | 1.80 |
| ROSCOMMON | MI | 26143 | 1.80 |
| SAGINAW | MI | 26145 | 1.80 |
| SANILAC | MI | 26151 | 1.80 |
| SCHOOLCRAFT | MI | 26153 | 1.80 |
| SHIAWASSEE | MI | 26155 | 1.80 |
| ST. CLAIR | MI | 26147 | 1.80 |
| ST. JOSEPH | MI | 26149 | 1.80 |
| TUSCOLA | MI | 26157 | 1.80 |
| VAN BUREN | MI | 26159 | 1.80 |
| WASHTENAW | MI | 26161 | 1.80 |
| WAYNE | MI | 26163 | 1.80 |
| WEXFORD | MI | 26165 | 1.80 |
| AITKIN | MN | 27001 | 1.65 |
| ANOKA | MN | 27003 | 1.70 |
| BECKER | MN | 27005 | 1.65 |
| BELTRAMI | MN | 27007 | 1.65 |
| BENTON | MN | 27009 | 1.70 |
| BIG STONE | MN | 27011 | 1.70 |
| BLUE EARTH | MN | 27013 | 1.70 |
| BROWN | MN | 27015 | 1.70 |
| CARLTON | MN | 27017 | 1.65 |
| CARVER | MN | 27019 | 1.70 |
| CASS | MN | 27021 | 1.65 |
| CHIPPEWA | MN | 27023 | 1.70 |
| CHISAGO | MN | 27025 | 1.70 |
| CLAY | MN | 27027 | 1.65 |
| CLEARWATER | MN | 27029 | 1.65 |
| COOK | MN | 27031 | 1.65 |
| COTTONWOOD | MN | 27033 | 1.70 |
| CROW WING | MN | 27035 | 1.65 |
| DAKOTA | MN | 27037 | 1.70 |
| DODGE | MN | 27039 | 1.70 |
| DOUGLAS | MN | 27041 | 1.70 |
| FARIBAULT | MN | 27043 | 1.70 |
| FILLMORE | MN | 27045 | 1.70 |
| FREEBORN | MN | 27047 | 1.70 |
| GOODHUE | MN | 27049 | 1.70 |
| GRANT | MN | 27051 | 1.70 |
| HENNEPIN | MN | 27053 | 1.70 |
| HOUSTON | MN | 27055 | 1.70 |
| HUBBARD | MN | 27057 | 1.65 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| ISANTI | MN | 27059 | 1.70 |
| ITASCA | MN | 27061 | 1.65 |
| JACKSON | MN | 27063 | 1.70 |
| KANABEC | MN | 27065 | 1.70 |
| KANDIYOHI | MN | 27067 | 1.70 |
| KITTSON | MN | 27069 | 1.60 |
| KOOCHICHING | MN | 27071 | 1.65 |
| LAC QUI PARLE | MN | 27073 | 1.70 |
| LAKE | MN | 27075 | 1.65 |
| LAKE OF THE WOODS | MN | 27077 | 1.60 |
| LE SUEUR | MN | 27079 | 1.70 |
| LINCOLN | MN | 27081 | 1.70 |
| LYON | MN | 27083 | 1.70 |
| MAHNOMEN | MN | 27087 | 1.65 |
| MARSHALL | MN | 27089 | 1.65 |
| MARTIN | MN | 27091 | 1.70 |
| MCLEOD | MN | 27085 | 1.70 |
| MEEKER | MN | 27093 | 1.70 |
| MILLE LACS | MN | 27095 | 1.70 |
| MORRISON | MN | 27097 | 1.70 |
| MOWER | MN | 27099 | 1.70 |
| MURRAY | MN | 27101 | 1.70 |
| NICOLLET | MN | 27103 | 1.70 |
| NOBLES | MN | 27105 | 1.70 |
| NORMAN | MN | 27107 | 1.65 |
| OLMSTED | MN | 27109 | 1.70 |
| OTTER TAIL | MN | 27111 | 1.65 |
| PENNINGTON | MN | 27113 | 1.65 |
| PINE | MN | 27115 | 1.70 |
| PIPESTONE | MN | 27117 | 1.70 |
| POLK | MN | 27119 | 1.65 |
| POPE | MN | 27121 | 1.70 |
| RAMSEY | MN | 27123 | 1.70 |
| RED LAKE | MN | 27125 | 1.65 |
| REDWOOD | MN | 27127 | 1.70 |
| RENVILLE | MN | 27129 | 1.70 |
| RICE | MN | 27131 | 1.70 |
| ROCK | MN | 27133 | 1.70 |
| ROSEAU | MN | 27135 | 1.60 |
| SCOTT | MN | 27139 | 1.70 |
| SHERBURNE | MN | 27141 | 1.70 |
| SIBLEY | MN | 27143 | 1.70 |
| ST. LOUIS | MN | 27137 | 1.65 |
| STEARNS | MN | 27145 | 1.70 |
| STEELE | MN | 27147 | 1.70 |
| STEVENS | MN | 27149 | 1.70 |
| SWIFT | MN | 27151 | 1.70 |
| TODD | MN | 27153 | 1.70 |
| TRAVERSE | MN | 27155 | 1.70 |
| WABASHA | MN | 27157 | 1.70 |
| WADENA | MN | 27159 | 1.65 |
| WASECA | MN | 27161 | 1.70 |
| WASHINGTON | MN | 27163 | 1.70 |
| WATONWAN | MN | 27165 | 1.70 |
| WILKIN | MN | 27167 | 1.65 |
| WINONA | MN | 27169 | 1.70 |
| WRIGHT | MN | 27171 | 1.70 |
| YELLOW MEDICINE | MN | 27173 | 1.70 |
| ADAIR | MO | 29001 | 1.80 |
| ANDREW | MO | 29003 | 1.80 |
| ATCHISON | MO | 29005 | 1.80 |
| AUDRAIN | MO | 29007 | 2.00 |
| BARRY | MO | 29009 | 2.20 |
| BARTON | MO | 29011 | 2.20 |
| BATES | MO | 29013 | 2.00 |
| BENTON | MO | 29015 | 2.00 |
| BOLLINGER | MO | 29017 | 2.20 |
| BOONE | MO | 29019 | 2.00 |
| BUCHANAN | MO | 29021 | 1.80 |
| BUTLER | MO | 29023 | 2.20 |
| CALDWELL | MO | 29025 | 1.80 |
| CALLAWAY | MO | 29027 | 2.00 |
| CAMDEN | MO | 29029 | 2.00 |
| CAPE GIRARDEAU | MO | 29031 | 2.20 |
| CARROLL | MO | 29033 | 1.80 |
| CARTER | MO | 29035 | 2.20 |
| CASS | MO | 29037 | 2.00 |
| CEDAR | MO | 29039 | 2.20 |
| CHARITON | MO | 29041 | 1.80 |
| CHRISTIAN | MO | 29043 | 2.20 |
| CLARK | MO | 29045 | 1.80 |
| CLAY | MO | 29047 | 1.80 |
| CLINTON | MO | 29049 | 1.80 |
| COLE | MO | 29051 | 2.00 |
| COOPER | MO | 29053 | 2.00 |
| CRAWFORD | MO | 29055 | 2.00 |
| DADE | MO | 29057 | 2.20 |
| DALLAS | MO | 29059 | 2.20 |
| DAVIESS | MO | 29061 | 1.80 |
| DE KALB | MO | 29063 | 1.80 |
| DENT | MO | 29065 | 2.00 |
| DOUGLAS | MO | 29067 | 2.20 |
| DUNKLIN | MO | 29069 | 2.20 |
| FRANKLIN | MO | 29071 | 2.00 |
| GASCONADE | MO | 29073 | 2.00 |
| GENTRY | MO | 29075 | 1.80 |
| GREENE | MO | 29077 | 2.20 |
| GRUNDY | MO | 29079 | 1.80 |
| HARRISON | MO | 29081 | 1.80 |
| HENRY | MO | 29083 | 2.00 |
| HICKORY | MO | 29085 | 2.00 |
| HOLT | MO | 29087 | 1.80 |
| HOWARD | MO | 29089 | 2.00 |
| HOWELL | MO | 29091 | 2.20 |
| IRON | MO | 29093 | 2.00 |
| JACKSON | MO | 29095 | 2.00 |
| JASPER | MO | 29097 | 2.20 |
| JEFFERSON | MO | 29099 | 2.00 |
| JOHNSON | MO | 29101 | 2.00 |
| KNOX | MO | 29103 | 1.80 |
| LACLEDE | MO | 29105 | 2.20 |
| LAFAYETTE | MO | 29107 | 2.00 |
| LAWRENCE | MO | 29109 | 2.20 |
| LEWIS | MO | 29111 | 1.80 |
| LINCOLN | MO | 29113 | 2.00 |
| LINN | MO | 29115 | 1.80 |
| LIVINGSTON | MO | 29117 | 1.80 |
| MACON | MO | 29121 | 1.80 |
| MADISON | MO | 29123 | 2.20 |
| MARIES | MO | 29125 | 2.00 |
| MARION | MO | 29127 | 1.80 |
| MCDONALD | MO | 29119 | 2.20 |
| MERCER | MO | 29129 | 1.80 |
| MILLER | MO | 29131 | 2.00 |
| MISSISSIPPI | MO | 29133 | 2.20 |
| MONITEAU | MO | 29135 | 2.00 |
| MONROE | MO | 29137 | 1.80 |
| MONTGOMERY | MO | 29139 | 2.00 |
| MORGAN | MO | 29141 | 2.00 |
| NEW MADRID | MO | 29143 | 2.20 |
| NEWTON | MO | 29145 | 2.20 |
| NODAWAY | MO | 29147 | 1.80 |
| OREGON | MO | 29149 | 2.20 |
| OSAGE | MO | 29151 | 2.00 |
| OZARK | MO | 29153 | 2.20 |
| PEMISCOT | MO | 29155 | 2.20 |
| PERRY | MO | 29157 | 2.20 |
| PETTIS | MO | 29159 | 2.00 |
| PHELPS | MO | 29161 | 2.00 |
| PIKE | MO | 29163 | 2.00 |
| PLATTE | MO | 29165 | 1.80 |
| POLK | MO | 29167 | 2.20 |
| PULASKI | MO | 29169 | 2.20 |
| PUTNAM | MO | 29171 | 1.80 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| RALLS | MO | 29173 | 2.00 |
| RANDOLPH | MO | 29175 | 1.80 |
| RAY | MO | 29177 | 1.80 |
| REYNOLDS | MO | 29179 | 2.20 |
| RIPLEY | MO | 29181 | 2.20 |
| SALINE | MO | 29195 | 2.00 |
| SCHUYLER | MO | 29197 | 1.80 |
| SCOTLAND | MO | 29199 | 1.80 |
| SCOTT | MO | 29201 | 2.20 |
| SHANNON | MO | 29203 | 2.20 |
| SHELBY | MO | 29205 | 1.80 |
| ST. CHARLES | MO | 29183 | 2.00 |
| ST. CLAIR | MO | 29185 | 2.00 |
| ST. FRANCOIS | MO | 29187 | 2.00 |
| ST. LOUIS | MO | 29189 | 2.00 |
| ST. LOUIS CITY | MO | 29510 | 2.00 |
| STE. GENEVIEVE | MO | 29186 | 2.00 |
| STODDARD | MO | 29207 | 2.20 |
| STONE | MO | 29209 | 2.20 |
| SULLIVAN | MO | 29211 | 1.80 |
| TANEY | MO | 29213 | 2.20 |
| TEXAS | MO | 29215 | 2.20 |
| VERNON | MO | 29217 | 2.20 |
| WARREN | MO | 29219 | 2.00 |
| WASHINGTON | MO | 29221 | 2.00 |
| WAYNE | MO | 29223 | 2.20 |
| WEBSTER | MO | 29225 | 2.20 |
| WORTH | MO | 29227 | 1.80 |
| WRIGHT | MO | 29229 | 2.20 |
| ADAMS | MS | 28001 | 3.40 |
| ALCORN | MS | 28003 | 2.90 |
| AMITE | MS | 28005 | 3.40 |
| ATTALA | MS | 28007 | 3.10 |
| BENTON | MS | 28009 | 2.90 |
| BOLIVAR | MS | 28011 | 3.10 |
| CALHOUN | MS | 28013 | 3.10 |
| CARROLL | MS | 28015 | 3.10 |
| CHICKASAW | MS | 28017 | 3.10 |
| CHOCTAW | MS | 28019 | 3.10 |
| CLAIBORNE | MS | 28021 | 3.30 |
| CLARKE | MS | 28023 | 3.30 |
| CLAY | MS | 28025 | 3.10 |
| COAHOMA | MS | 28027 | 2.90 |
| COPIAH | MS | 28029 | 3.30 |
| COVINGTON | MS | 28031 | 3.40 |
| DE SOTO | MS | 28033 | 2.90 |
| FORREST | MS | 28035 | 3.40 |
| FRANKLIN | MS | 28037 | 3.40 |
| GEORGE | MS | 28039 | 3.40 |
| GREENE | MS | 28041 | 3.40 |
| GRENADA | MS | 28043 | 3.10 |
| HANCOCK | MS | 28045 | 3.50 |
| HARRISON | MS | 28047 | 3.50 |
| HINDS | MS | 28049 | 3.30 |
| HOLMES | MS | 28051 | 3.10 |
| HUMPHREYS | MS | 28053 | 3.10 |
| ISSAQUENA | MS | 28055 | 3.10 |
| ITAWAMBA | MS | 28057 | 2.90 |
| JACKSON | MS | 28059 | 3.50 |
| JASPER | MS | 28061 | 3.30 |
| JEFFERSON | MS | 28063 | 3.40 |
| JEFFERSON DAVIS | MS | 28065 | 3.40 |
| JONES | MS | 28067 | 3.40 |
| KEMPER | MS | 28069 | 3.10 |
| LAFAYETTE | MS | 28071 | 2.90 |
| LAMAR | MS | 28073 | 3.40 |
| LAUDERDALE | MS | 28075 | 3.30 |
| LAWRENCE | MS | 28077 | 3.40 |
| LEAKE | MS | 28079 | 3.10 |
| LEE | MS | 28081 | 2.90 |
| LEFLORE | MS | 28083 | 3.10 |
| LINCOLN | MS | 28085 | 3.40 |
| LOWNDES | MS | 28087 | 3.10 |
| MADISON | MS | 28089 | 3.10 |
| MARION | MS | 28091 | 3.40 |
| MARSHALL | MS | 28093 | 2.90 |
| MONROE | MS | 28095 | 3.10 |
| MONTGOMERY | MS | 28097 | 3.10 |
| NESHOBA | MS | 28099 | 3.10 |
| NEWTON | MS | 28101 | 3.30 |
| NOXUBEE | MS | 28103 | 3.10 |
| OKTIBBEHA | MS | 28105 | 3.10 |
| PANOLA | MS | 28107 | 2.90 |
| PEARL RIVER | MS | 28109 | 3.40 |
| PERRY | MS | 28111 | 3.40 |
| PIKE | MS | 28113 | 3.40 |
| PONTOTOC | MS | 28115 | 2.90 |
| PRENTISS | MS | 28117 | 2.90 |
| QUITMAN | MS | 28119 | 2.90 |
| RANKIN | MS | 28121 | 3.30 |
| SCOTT | MS | 28123 | 3.30 |
| SHARKEY | MS | 28125 | 3.10 |
| SIMPSON | MS | 28127 | 3.30 |
| SMITH | MS | 28129 | 3.30 |
| STONE | MS | 28131 | 3.40 |
| SUNFLOWER | MS | 28133 | 3.10 |
| TALLAHATCHIE | MS | 28135 | 3.10 |
| TATE | MS | 28137 | 2.90 |
| TIPPAH | MS | 28139 | 2.90 |
| TISHOMINGO | MS | 28141 | 2.90 |
| TUNICA | MS | 28143 | 2.90 |
| UNION | MS | 28145 | 2.90 |
| WALTHALL | MS | 28147 | 3.40 |
| WARREN | MS | 28149 | 3.30 |
| WASHINGTON | MS | 28151 | 3.10 |
| WAYNE | MS | 28153 | 3.40 |
| WEBSTER | MS | 28155 | 3.10 |
| WILKINSON | MS | 28157 | 3.40 |
| WINSTON | MS | 28159 | 3.10 |
| YALOBUSHA | MS | 28161 | 3.10 |
| YAZOO | MS | 28163 | 3.10 |
| BEAVERHEAD | MT | 30001 | 1.60 |
| BIG HORN | MT | 30003 | 1.60 |
| BLAINE | MT | 30005 | 1.60 |
| BROADWATER | MT | 30007 | 1.60 |
| CARBON | MT | 30009 | 1.60 |
| CARTER | MT | 30011 | 1.65 |
| CASCADE | MT | 30013 | 1.60 |
| CHOUTEAU | MT | 30015 | 1.60 |
| CUSTER | MT | 30017 | 1.60 |
| DANIELS | MT | 30019 | 1.60 |
| DAWSON | MT | 30021 | 1.60 |
| DEER LODGE | MT | 30023 | 1.60 |
| FALLON | MT | 30025 | 1.65 |
| FERGUS | MT | 30027 | 1.60 |
| FLATHEAD | MT | 30029 | 1.60 |
| GALLATIN | MT | 30031 | 1.60 |
| GARFIELD | MT | 30033 | 1.60 |
| GLACIER | MT | 30035 | 1.60 |
| GOLDEN VALLEY | MT | 30037 | 1.60 |
| GRANITE | MT | 30039 | 1.60 |
| HILL | MT | 30041 | 1.60 |
| JEFFERSON | MT | 30043 | 1.60 |
| JUDITH BASIN | MT | 30045 | 1.60 |
| LAKE | MT | 30047 | 1.60 |
| LEWIS AND CLARK | MT | 30049 | 1.60 |
| LIBERTY | MT | 30051 | 1.60 |
| LINCOLN | MT | 30053 | 1.80 |
| MADISON | MT | 30057 | 1.60 |
| MCCONE | MT | 30055 | 1.60 |
| MEAGHER | MT | 30059 | 1.60 |
| MINERAL | MT | 30061 | 1.80 |
| MISSOULA | MT | 30063 | 1.60 |
| MUSSELSHELL | MT | 30065 | 1.60 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| PARK | MT .... | 30067 | 1.60 |
| PETROLEUM | MT .... | 30069 | 1.60 |
| PHILLIPS | MT .... | 30071 | 1.60 |
| PONDERA | MT .... | 30073 | 1.60 |
| POWDER RIVER | MT .... | 30075 | 1.60 |
| POWELL | MT .... | 30077 | 1.60 |
| PRAIRIE | MT .... | 30079 | 1.60 |
| RAVALLI | MT .... | 30081 | 1.60 |
| RICHLAND | MT .... | 30083 | 1.60 |
| ROOSEVELT | MT .... | 30085 | 1.60 |
| ROSEBUD | MT .... | 30087 | 1.60 |
| SANDERS | MT .... | 30089 | 1.80 |
| SHERIDAN | MT .... | 30091 | 1.60 |
| SILVER BOW | MT .... | 30093 | 1.60 |
| STILLWATER | MT .... | 30095 | 1.60 |
| SWEET GRASS | MT .... | 30097 | 1.60 |
| TETON | MT .... | 30099 | 1.60 |
| TOOLE | MT .... | 30101 | 1.60 |
| TREASURE | MT .... | 30103 | 1.60 |
| VALLEY | MT .... | 30105 | 1.60 |
| WHEATLAND | MT .... | 30107 | 1.60 |
| WIBAUX | MT .... | 30109 | 1.60 |
| YELLOWSTONE | MT .... | 30111 | 1.60 |
| YELLOWSTONE NAT. PARK | MT .... | 30113 | 1.60 |
| ALAMANCE | NC .... | 37001 | 3.10 |
| ALEXANDER | NC .... | 37003 | 2.95 |
| ALLEGHANY | NC .... | 37005 | 2.95 |
| ANSON | NC .... | 37007 | 3.10 |
| ASHE | NC .... | 37009 | 2.95 |
| AVERY | NC .... | 37011 | 2.95 |
| BEAUFORT | NC .... | 37013 | 3.20 |
| BERTIE | NC .... | 37015 | 3.20 |
| BLADEN | NC .... | 37017 | 3.30 |
| BRUNSWICK | NC .... | 37019 | 3.30 |
| BUNCOMBE | NC .... | 37021 | 2.95 |
| BURKE | NC .... | 37023 | 2.95 |
| CABARRUS | NC .... | 37025 | 3.10 |
| CALDWELL | NC .... | 37027 | 2.95 |
| CAMDEN | NC .... | 37029 | 3.20 |
| CARTERET | NC .... | 37031 | 3.20 |
| CASWELL | NC .... | 37033 | 3.10 |
| CATAWBA | NC .... | 37035 | 3.10 |
| CHATHAM | NC .... | 37037 | 3.10 |
| CHEROKEE | NC .... | 37039 | 2.95 |
| CHOWAN | NC .... | 37041 | 3.20 |
| CLAY | NC .... | 37043 | 2.95 |
| CLEVELAND | NC .... | 37045 | 3.10 |
| COLUMBUS | NC .... | 37047 | 3.30 |
| CRAVEN | NC .... | 37049 | 3.20 |
| CUMBERLAND | NC .... | 37051 | 3.30 |
| CURRITUCK | NC .... | 37053 | 3.20 |
| DARE | NC .... | 37055 | 3.20 |
| DAVIDSON | NC .... | 37057 | 3.10 |
| DAVIE | NC .... | 37059 | 3.10 |
| DUPLIN | NC .... | 37061 | 3.30 |
| DURHAM | NC .... | 37063 | 3.10 |
| EDGECOMBE | NC .... | 37065 | 3.20 |
| FORSYTH | NC .... | 37067 | 3.10 |
| FRANKLIN | NC .... | 37069 | 3.10 |
| GASTON | NC .... | 37071 | 3.10 |
| GATES | NC .... | 37073 | 3.20 |
| GRAHAM | NC .... | 37075 | 2.95 |
| GRANVILLE | NC .... | 37077 | 3.10 |
| GREENE | NC .... | 37079 | 3.20 |
| GUILFORD | NC .... | 37081 | 3.10 |
| HALIFAX | NC .... | 37083 | 3.10 |
| HARNETT | NC .... | 37085 | 3.30 |
| HAYWOOD | NC .... | 37087 | 2.95 |
| HENDERSON | NC .... | 37089 | 2.95 |
| HERTFORD | NC .... | 37091 | 3.20 |
| HOKE | NC .... | 37093 | 3.30 |
| HYDE | NC .... | 37095 | 3.20 |
| IREDELL | NC .... | 37097 | 3.10 |
| JACKSON | NC .... | 37099 | 2.95 |
| JOHNSTON | NC .... | 37101 | 3.20 |
| JONES | NC .... | 37103 | 3.20 |
| LEE | NC .... | 37105 | 3.10 |
| LENOIR | NC .... | 37107 | 3.20 |
| LINCOLN | NC .... | 37109 | 3.10 |
| MACON | NC .... | 37113 | 2.95 |
| MADISON | NC .... | 37115 | 2.95 |
| MARTIN | NC .... | 37117 | 3.20 |
| MCDOWELL | NC .... | 37111 | 2.95 |
| MECKLENBURG | NC .... | 37119 | 3.10 |
| MITCHELL | NC .... | 37121 | 2.95 |
| MONTGOMERY | NC .... | 37123 | 3.10 |
| MOORE | NC .... | 37125 | 3.10 |
| NASH | NC .... | 37127 | 3.10 |
| NEW HANOVER | NC .... | 37129 | 3.30 |
| NORTHAMPTON | NC .... | 37131 | 3.10 |
| ONSLOW | NC .... | 37133 | 3.30 |
| ORANGE | NC .... | 37135 | 3.10 |
| PAMLICO | NC .... | 37137 | 3.20 |
| PASQUOTANK | NC .... | 37139 | 3.20 |
| PENDER | NC .... | 37141 | 3.30 |
| PERQUIMANS | NC .... | 37143 | 3.20 |
| PERSON | NC .... | 37145 | 3.10 |
| PITT | NC .... | 37147 | 3.20 |
| POLK | NC .... | 37149 | 3.10 |
| RANDOLPH | NC .... | 37151 | 3.10 |
| RICHMOND | NC .... | 37153 | 3.10 |
| ROBESON | NC .... | 37155 | 3.30 |
| ROCKINGHAM | NC .... | 37157 | 2.95 |
| ROWAN | NC .... | 37159 | 3.10 |
| RUTHERFORD | NC .... | 37161 | 3.10 |
| SAMPSON | NC .... | 37163 | 3.30 |
| SCOTLAND | NC .... | 37165 | 3.30 |
| STANLY | NC .... | 37167 | 3.10 |
| STOKES | NC .... | 37169 | 2.95 |
| SURRY | NC .... | 37171 | 2.95 |
| SWAIN | NC .... | 37173 | 2.95 |
| TRANSYLVANIA | NC .... | 37175 | 2.95 |
| TYRRELL | NC .... | 37177 | 3.20 |
| UNION | NC .... | 37179 | 3.10 |
| VANCE | NC .... | 37181 | 3.10 |
| WAKE | NC .... | 37183 | 3.10 |
| WARREN | NC .... | 37185 | 3.10 |
| WASHINGTON | NC .... | 37187 | 3.20 |
| WATAUGA | NC .... | 37189 | 2.95 |
| WAYNE | NC .... | 37191 | 3.20 |
| WILKES | NC .... | 37193 | 2.95 |
| WILSON | NC .... | 37195 | 3.20 |
| YADKIN | NC .... | 37197 | 3.10 |
| YANCEY | NC .... | 37199 | 2.95 |
| ADAMS | ND .... | 38001 | 1.65 |
| BARNES | ND .... | 38003 | 1.65 |
| BENSON | ND .... | 38005 | 1.60 |
| BILLINGS | ND .... | 38007 | 1.60 |
| BOTTINEAU | ND .... | 38009 | 1.60 |
| BOWMAN | ND .... | 38011 | 1.65 |
| BURKE | ND .... | 38013 | 1.60 |
| BURLEIGH | ND .... | 38015 | 1.65 |
| CASS | ND .... | 38017 | 1.65 |
| CAVALIER | ND .... | 38019 | 1.60 |
| DICKEY | ND .... | 38021 | 1.65 |
| DIVIDE | ND .... | 38023 | 1.60 |
| DUNN | ND .... | 38025 | 1.60 |
| EDDY | ND .... | 38027 | 1.65 |
| EMMONS | ND .... | 38029 | 1.65 |
| FOSTER | ND .... | 38031 | 1.65 |
| GOLDEN VALLEY | ND .... | 38033 | 1.60 |
| GRAND FORKS | ND .... | 38035 | 1.65 |
| GRANT | ND .... | 38037 | 1.65 |
| GRIGGS | ND .... | 38039 | 1.65 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| HETTINGER | ND .... | 38041 | 1.65 |
| KIDDER | ND .... | 38043 | 1.65 |
| LA MOURE | ND .... | 38045 | 1.65 |
| LOGAN | ND .... | 38047 | 1.65 |
| MCHENRY | ND .... | 38049 | 1.60 |
| MCINTOSH | ND .... | 38051 | 1.65 |
| MCKENZIE | ND .... | 38053 | 1.60 |
| MCLEAN | ND .... | 38055 | 1.60 |
| MERCER | ND .... | 38057 | 1.60 |
| MORTON | ND .... | 38059 | 1.65 |
| MOUNTRAIL | ND .... | 38061 | 1.60 |
| NELSON | ND .... | 38063 | 1.65 |
| OLIVER | ND .... | 38065 | 1.60 |
| PEMBINA | ND .... | 38067 | 1.60 |
| PIERCE | ND .... | 38069 | 1.60 |
| RAMSEY | ND .... | 38071 | 1.60 |
| RANSOM | ND .... | 38073 | 1.65 |
| RENVILLE | ND .... | 38075 | 1.60 |
| RICHLAND | ND .... | 38077 | 1.65 |
| ROLETTE | ND .... | 38079 | 1.60 |
| SARGENT | ND .... | 38081 | 1.65 |
| SHERIDAN | ND .... | 38083 | 1.60 |
| SIOUX | ND .... | 38085 | 1.65 |
| SLOPE | ND .... | 38087 | 1.65 |
| STARK | ND .... | 38089 | 1.60 |
| STEELE | ND .... | 38091 | 1.65 |
| STUTSMAN | ND .... | 38093 | 1.65 |
| TOWNER | ND .... | 38095 | 1.60 |
| TRAILL | ND .... | 38097 | 1.65 |
| WALSH | ND .... | 38099 | 1.60 |
| WARD | ND .... | 38101 | 1.60 |
| WELLS | ND .... | 38103 | 1.65 |
| WILLIAMS | ND .... | 38105 | 1.60 |
| ADAMS | NE .... | 31001 | 1.80 |
| ANTELOPE | NE .... | 31003 | 1.75 |
| ARTHUR | NE .... | 31005 | 1.80 |
| BANNER | NE .... | 31007 | 1.80 |
| BLAINE | NE .... | 31009 | 1.75 |
| BOONE | NE .... | 31011 | 1.80 |
| BOX BUTTE | NE .... | 31013 | 1.80 |
| BOYD | NE .... | 31015 | 1.75 |
| BROWN | NE .... | 31017 | 1.75 |
| BUFFALO | NE .... | 31019 | 1.80 |
| BURT | NE .... | 31021 | 1.80 |
| BUTLER | NE .... | 31023 | 1.80 |
| CASS | NE .... | 31025 | 1.85 |
| CEDAR | NE .... | 31027 | 1.75 |
| CHASE | NE .... | 31029 | 1.80 |
| CHERRY | NE .... | 31031 | 1.75 |
| CHEYENNE | NE .... | 31033 | 1.80 |
| CLAY | NE .... | 31035 | 1.80 |
| COLFAX | NE .... | 31037 | 1.80 |
| CUMING | NE .... | 31039 | 1.80 |
| CUSTER | NE .... | 31041 | 1.80 |
| DAKOTA | NE .... | 31043 | 1.75 |
| DAWES | NE .... | 31045 | 1.80 |
| DAWSON | NE .... | 31047 | 1.80 |
| DEUEL | NE .... | 31049 | 1.80 |
| DIXON | NE .... | 31051 | 1.75 |
| DODGE | NE .... | 31053 | 1.80 |
| DOUGLAS | NE .... | 31055 | 1.85 |
| DUNDY | NE .... | 31057 | 1.80 |
| FILLMORE | NE .... | 31059 | 1.80 |
| FRANKLIN | NE .... | 31061 | 1.80 |
| FRONTIER | NE .... | 31063 | 1.80 |
| FURNAS | NE .... | 31065 | 1.80 |
| GAGE | NE .... | 31067 | 1.85 |
| GARDEN | NE .... | 31069 | 1.80 |
| GARFIELD | NE .... | 31071 | 1.75 |
| GOSPER | NE .... | 31073 | 1.80 |
| GRANT | NE .... | 31075 | 1.75 |
| GREELEY | NE .... | 31077 | 1.80 |
| HALL | NE .... | 31079 | 1.80 |
| HAMILTON | NE .... | 31081 | 1.80 |
| HARLAN | NE .... | 31083 | 1.80 |
| HAYES | NE .... | 31085 | 1.80 |
| HITCHCOCK | NE .... | 31087 | 1.80 |
| HOLT | NE .... | 31089 | 1.75 |
| HOOKER | NE .... | 31091 | 1.75 |
| HOWARD | NE .... | 31093 | 1.80 |
| JEFFERSON | NE .... | 31095 | 1.80 |
| JOHNSON | NE .... | 31097 | 1.85 |
| KEARNEY | NE .... | 31099 | 1.80 |
| KEITH | NE .... | 31101 | 1.80 |
| KEYA PAHA | NE .... | 31103 | 1.75 |
| KIMBALL | NE .... | 31105 | 1.80 |
| KNOX | NE .... | 31107 | 1.75 |
| LANCASTER | NE .... | 31109 | 1.85 |
| LINCOLN | NE .... | 31111 | 1.80 |
| LOGAN | NE .... | 31113 | 1.80 |
| LOUP | NE .... | 31115 | 1.75 |
| MADISON | NE .... | 31119 | 1.80 |
| MCPHERSON | NE .... | 31117 | 1.80 |
| MERRICK | NE .... | 31121 | 1.80 |
| MORRILL | NE .... | 31123 | 1.80 |
| NANCE | NE .... | 31125 | 1.80 |
| NEMAHA | NE .... | 31127 | 1.85 |
| NUCKOLLS | NE .... | 31129 | 1.80 |
| OTOE | NE .... | 31131 | 1.85 |
| PAWNEE | NE .... | 31133 | 1.85 |
| PERKINS | NE .... | 31135 | 1.80 |
| PHELPS | NE .... | 31137 | 1.80 |
| PIERCE | NE .... | 31139 | 1.75 |
| PLATTE | NE .... | 31141 | 1.80 |
| POLK | NE .... | 31143 | 1.80 |
| RED WILLOW | NE .... | 31145 | 1.80 |
| RICHARDSON | NE .... | 31147 | 1.85 |
| ROCK | NE .... | 31149 | 1.75 |
| SALINE | NE .... | 31151 | 1.80 |
| SARPY | NE .... | 31153 | 1.85 |
| SAUNDERS | NE .... | 31155 | 1.85 |
| SCOTTS BLUFF | NE .... | 31157 | 1.80 |
| SEWARD | NE .... | 31159 | 1.80 |
| SHERIDAN | NE .... | 31161 | 1.80 |
| SHERMAN | NE .... | 31163 | 1.80 |
| SIOUX | NE .... | 31165 | 1.80 |
| STANTON | NE .... | 31167 | 1.80 |
| THAYER | NE .... | 31169 | 1.80 |
| THOMAS | NE .... | 31171 | 1.75 |
| THURSTON | NE .... | 31173 | 1.75 |
| VALLEY | NE .... | 31175 | 1.80 |
| WASHINGTON | NE .... | 31177 | 1.85 |
| WAYNE | NE .... | 31179 | 1.75 |
| WEBSTER | NE .... | 31181 | 1.80 |
| WHEELER | NE .... | 31183 | 1.75 |
| YORK | NE .... | 31185 | 1.80 |
| BELKNAP | NH .... | 33001 | 2.80 |
| CARROLL | NH .... | 33003 | 2.80 |
| CHESHIRE | NH .... | 33005 | 2.80 |
| COOS | NH .... | 33007 | 2.60 |
| GRAFTON | NH .... | 33009 | 2.60 |
| HILLSBOROUGH | NH .... | 33011 | 3.00 |
| MERRIMACK | NH .... | 33013 | 3.00 |
| ROCKINGHAM | NH .... | 33015 | 3.00 |
| STRAFFORD | NH .... | 33017 | 3.00 |
| SULLIVAN | NH .... | 33019 | 2.80 |
| ATLANTIC | NJ .... | 34001 | 3.05 |
| BERGEN | NJ .... | 34003 | 3.15 |
| BURLINGTON | NJ .... | 34005 | 3.05 |
| CAMDEN | NJ .... | 34007 | 3.05 |
| CAPE MAY | NJ .... | 34009 | 3.05 |
| CUMBERLAND | NJ .... | 34011 | 3.05 |
| ESSEX | NJ .... | 34013 | 3.15 |
| GLOUCESTER | NJ .... | 34015 | 3.05 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| HUDSON | NJ .... | 34017 | 3.15 |
| HUNTERDON | NJ .... | 34019 | 3.10 |
| MERCER | NJ .... | 34021 | 3.10 |
| MIDDLESEX | NJ .... | 34023 | 3.10 |
| MONMOUTH | NJ .... | 34025 | 3.10 |
| MORRIS | NJ .... | 34027 | 3.10 |
| OCEAN | NJ .... | 34029 | 3.10 |
| PASSAIC | NJ .... | 34031 | 3.15 |
| SALEM | NJ .... | 34033 | 3.05 |
| SOMERSET | NJ .... | 34035 | 3.10 |
| SUSSEX | NJ .... | 34037 | 3.10 |
| UNION | NJ .... | 34039 | 3.15 |
| WARREN | NJ .... | 34041 | 3.10 |
| BERNALILLO | NM ... | 35001 | 2.35 |
| CATRON | NM ... | 35003 | 2.10 |
| CHAVES | NM ... | 35005 | 2.10 |
| CIBOLA | NM ... | 35006 | 1.90 |
| COLFAX | NM ... | 35007 | 2.35 |
| CURRY | NM ... | 35009 | 2.10 |
| DE BACA | NM ... | 35011 | 2.10 |
| DONA ANA | NM ... | 35013 | 2.10 |
| EDDY | NM ... | 35015 | 2.10 |
| GRANT | NM ... | 35017 | 2.10 |
| GUADALUPE | NM ... | 35019 | 2.35 |
| HARDING | NM ... | 35021 | 2.35 |
| HIDALGO | NM ... | 35023 | 2.10 |
| LEA | NM ... | 35025 | 2.10 |
| LINCOLN | NM ... | 35027 | 2.10 |
| LOS ALAMOS | NM ... | 35028 | 2.35 |
| LUNA | NM ... | 35029 | 2.10 |
| MCKINLEY | NM ... | 35031 | 1.90 |
| MORA | NM ... | 35033 | 2.35 |
| OTERO | NM ... | 35035 | 2.10 |
| QUAY | NM ... | 35037 | 2.35 |
| RIO ARRIBA | NM ... | 35039 | 1.90 |
| ROOSEVELT | NM ... | 35041 | 2.10 |
| SAN JUAN | NM ... | 35045 | 1.90 |
| SAN MIGUEL | NM ... | 35047 | 2.35 |
| SANDOVAL | NM ... | 35043 | 2.35 |
| SANTA FE | NM ... | 35049 | 2.35 |
| SIERRA | NM ... | 35051 | 2.10 |
| SOCORRO | NM ... | 35053 | 2.10 |
| TAOS | NM ... | 35055 | 1.90 |
| TORRANCE | NM ... | 35057 | 2.35 |
| UNION | NM ... | 35059 | 2.35 |
| VALENCIA | NM ... | 35061 | 2.35 |
| CARSON CITY | NV .... | 32510 | 1.70 |
| CHURCHILL | NV .... | 32001 | 1.70 |
| CLARK | NV .... | 32003 | 2.00 |
| DOUGLAS | NV .... | 32005 | 1.70 |
| ELKO | NV .... | 32007 | 1.90 |
| ESMERALDA | NV .... | 32009 | 1.60 |
| EUREKA | NV .... | 32011 | 1.70 |
| HUMBOLDT | NV .... | 32013 | 1.70 |
| LANDER | NV .... | 32015 | 1.70 |
| LINCOLN | NV .... | 32017 | 1.60 |
| LYON | NV .... | 32019 | 1.70 |
| MINERAL | NV .... | 32021 | 1.60 |
| NYE | NV .... | 32023 | 1.60 |
| PERSHING | NV .... | 32027 | 1.70 |
| STOREY | NV .... | 32029 | 1.70 |
| WASHOE | NV .... | 32031 | 1.70 |
| WHITE PINE | NV .... | 32033 | 1.90 |
| ALBANY | NY .... | 36001 | 2.70 |
| ALLEGANY | NY .... | 36003 | 2.30 |
| BRONX | NY .... | 36005 | 3.15 |
| BROOME | NY .... | 36007 | 2.70 |
| CATTARAUGUS | NY .... | 36009 | 2.10 |
| CAYUGA | NY .... | 36011 | 2.30 |
| CHAUTAUQUA | NY .... | 36013 | 2.10 |
| CHEMUNG | NY .... | 36015 | 2.50 |
| CHENANGO | NY .... | 36017 | 2.50 |
| CLINTON | NY .... | 36019 | 2.30 |
| COLUMBIA | NY .... | 36021 | 2.70 |
| CORTLAND | NY .... | 36023 | 2.50 |
| DELAWARE | NY .... | 36025 | 2.70 |
| DUTCHESS | NY .... | 36027 | 2.80 |
| ERIE | NY .... | 36029 | 2.20 |
| ESSEX | NY .... | 36031 | 2.30 |
| FRANKLIN | NY .... | 36033 | 2.30 |
| FULTON | NY .... | 36035 | 2.50 |
| GENESEE | NY .... | 36037 | 2.20 |
| GREENE | NY .... | 36039 | 2.70 |
| HAMILTON | NY .... | 36041 | 2.50 |
| HERKIMER | NY .... | 36043 | 2.50 |
| JEFFERSON | NY .... | 36045 | 2.30 |
| KINGS | NY .... | 36047 | 3.15 |
| LEWIS | NY .... | 36049 | 2.30 |
| LIVINGSTON | NY .... | 36051 | 2.30 |
| MADISON | NY .... | 36053 | 2.50 |
| MONROE | NY .... | 36055 | 2.30 |
| MONTGOMERY | NY .... | 36057 | 2.70 |
| NASSAU | NY .... | 36059 | 3.15 |
| NEW YORK | NY .... | 36061 | 3.15 |
| NIAGARA | NY .... | 36063 | 2.20 |
| ONEIDA | NY .... | 36065 | 2.50 |
| ONONDAGA | NY .... | 36067 | 2.50 |
| ONTARIO | NY .... | 36069 | 2.30 |
| ORANGE | NY .... | 36071 | 3.00 |
| ORLEANS | NY .... | 36073 | 2.20 |
| OSWEGO | NY .... | 36075 | 2.30 |
| OTSEGO | NY .... | 36077 | 2.50 |
| PUTNAM | NY .... | 36079 | 3.00 |
| QUEENS | NY .... | 36081 | 3.15 |
| RENSSELAER | NY .... | 36083 | 2.70 |
| RICHMOND | NY .... | 36085 | 3.15 |
| ROCKLAND | NY .... | 36087 | 3.15 |
| SARATOGA | NY .... | 36091 | 2.70 |
| SCHENECTADY | NY .... | 36093 | 2.70 |
| SCHOHARIE | NY .... | 36095 | 2.70 |
| SCHUYLER | NY .... | 36097 | 2.30 |
| SENECA | NY .... | 36099 | 2.30 |
| ST. LAWRENCE | NY .... | 36089 | 2.30 |
| STEUBEN | NY .... | 36101 | 2.30 |
| SUFFOLK | NY .... | 36103 | 3.15 |
| SULLIVAN | NY .... | 36105 | 2.80 |
| TIOGA | NY .... | 36107 | 2.50 |
| TOMPKINS | NY .... | 36109 | 2.50 |
| ULSTER | NY .... | 36111 | 2.80 |
| WARREN | NY .... | 36113 | 2.50 |
| WASHINGTON | NY .... | 36115 | 2.60 |
| WAYNE | NY .... | 36117 | 2.30 |
| WESTCHESTER | NY .... | 36119 | 3.15 |
| WYOMING | NY .... | 36121 | 2.20 |
| YATES | NY .... | 36123 | 2.30 |
| ADAMS | OH ... | 39001 | 2.20 |
| ALLEN | OH ... | 39003 | 2.00 |
| ASHLAND | OH ... | 39005 | 2.00 |
| ASHTABULA | OH ... | 39007 | 2.00 |
| ATHENS | OH ... | 39009 | 2.00 |
| AUGLAIZE | OH ... | 39011 | 2.00 |
| BELMONT | OH ... | 39013 | 2.00 |
| BROWN | OH ... | 39015 | 2.20 |
| BUTLER | OH ... | 39017 | 2.00 |
| CARROLL | OH ... | 39019 | 2.00 |
| CHAMPAIGN | OH ... | 39021 | 2.00 |
| CLARK | OH ... | 39023 | 2.00 |
| CLERMONT | OH ... | 39025 | 2.20 |
| CLINTON | OH ... | 39027 | 2.00 |
| COLUMBIANA | OH ... | 39029 | 2.00 |
| COSHOCTON | OH ... | 39031 | 2.00 |
| CRAWFORD | OH ... | 39033 | 2.00 |
| CUYAHOGA | OH ... | 39035 | 2.00 |
| DARKE | OH ... | 39037 | 2.00 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| DEFIANCE | OH ... | 39039 | 1.80 |
| DELAWARE | OH ... | 39041 | 2.00 |
| ERIE | OH ... | 39043 | 2.00 |
| FAIRFIELD | OH ... | 39045 | 2.00 |
| FAYETTE | OH ... | 39047 | 2.00 |
| FRANKLIN | OH ... | 39049 | 2.00 |
| FULTON | OH ... | 39051 | 1.80 |
| GALLIA | OH ... | 39053 | 2.20 |
| GEAUGA | OH ... | 39055 | 2.00 |
| GREENE | OH ... | 39057 | 2.00 |
| GUERNSEY | OH ... | 39059 | 2.00 |
| HAMILTON | OH ... | 39061 | 2.20 |
| HANCOCK | OH ... | 39063 | 2.00 |
| HARDIN | OH ... | 39065 | 2.00 |
| HARRISON | OH ... | 39067 | 2.00 |
| HENRY | OH ... | 39069 | 1.80 |
| HIGHLAND | OH ... | 39071 | 2.20 |
| HOCKING | OH ... | 39073 | 2.00 |
| HOLMES | OH ... | 39075 | 2.00 |
| HURON | OH ... | 39077 | 2.00 |
| JACKSON | OH ... | 39079 | 2.20 |
| JEFFERSON | OH ... | 39081 | 2.00 |
| KNOX | OH ... | 39083 | 2.00 |
| LAKE | OH ... | 39085 | 2.00 |
| LAWRENCE | OH ... | 39087 | 2.20 |
| LICKING | OH ... | 39089 | 2.00 |
| LOGAN | OH ... | 39091 | 2.00 |
| LORAIN | OH ... | 39093 | 2.00 |
| LUCAS | OH ... | 39095 | 1.80 |
| MADISON | OH ... | 39097 | 2.00 |
| MAHONING | OH ... | 39099 | 2.00 |
| MARION | OH ... | 39101 | 2.00 |
| MEDINA | OH ... | 39103 | 2.00 |
| MEIGS | OH ... | 39105 | 2.00 |
| MERCER | OH ... | 39107 | 2.00 |
| MIAMI | OH ... | 39109 | 2.00 |
| MONROE | OH ... | 39111 | 2.00 |
| MONTGOMERY | OH ... | 39113 | 2.00 |
| MORGAN | OH ... | 39115 | 2.00 |
| MORROW | OH ... | 39117 | 2.00 |
| MUSKINGUM | OH ... | 39119 | 2.00 |
| NOBLE | OH ... | 39121 | 2.00 |
| OTTAWA | OH ... | 39123 | 2.00 |
| PAULDING | OH ... | 39125 | 1.80 |
| PERRY | OH ... | 39127 | 2.00 |
| PICKAWAY | OH ... | 39129 | 2.00 |
| PIKE | OH ... | 39131 | 2.20 |
| PORTAGE | OH ... | 39133 | 2.00 |
| PREBLE | OH ... | 39135 | 2.00 |
| PUTNAM | OH ... | 39137 | 1.80 |
| RICHLAND | OH ... | 39139 | 2.00 |
| ROSS | OH ... | 39141 | 2.00 |
| SANDUSKY | OH ... | 39143 | 2.00 |
| SCIOTO | OH ... | 39145 | 2.20 |
| SENECA | OH ... | 39147 | 2.00 |
| SHELBY | OH ... | 39149 | 2.00 |
| STARK | OH ... | 39151 | 2.00 |
| SUMMIT | OH ... | 39153 | 2.00 |
| TRUMBULL | OH ... | 39155 | 2.00 |
| TUSCARAWAS | OH ... | 39157 | 2.00 |
| UNION | OH ... | 39159 | 2.00 |
| VAN WERT | OH ... | 39161 | 1.80 |
| VINTON | OH ... | 39163 | 2.00 |
| WARREN | OH ... | 39165 | 2.00 |
| WASHINGTON | OH ... | 39167 | 2.00 |
| WAYNE | OH ... | 39169 | 2.00 |
| WILLIAMS | OH ... | 39171 | 1.80 |
| WOOD | OH ... | 39173 | 2.00 |
| WYANDOT | OH ... | 39175 | 2.00 |
| ADAIR | OK .... | 40001 | 2.60 |
| ALFALFA | OK .... | 40003 | 2.40 |
| ATOKA | OK .... | 40005 | 2.80 |
| BEAVER | OK .... | 40007 | 2.40 |
| BECKHAM | OK .... | 40009 | 2.40 |
| BLAINE | OK .... | 40011 | 2.40 |
| BRYAN | OK .... | 40013 | 2.80 |
| CADDO | OK .... | 40015 | 2.60 |
| CANADIAN | OK .... | 40017 | 2.60 |
| CARTER | OK .... | 40019 | 2.80 |
| CHEROKEE | OK .... | 40021 | 2.60 |
| CHOCTAW | OK .... | 40023 | 2.80 |
| CIMARRON | OK .... | 40025 | 2.40 |
| CLEVELAND | OK .... | 40027 | 2.60 |
| COAL | OK .... | 40029 | 2.80 |
| COMANCHE | OK .... | 40031 | 2.60 |
| COTTON | OK .... | 40033 | 2.80 |
| CRAIG | OK .... | 40035 | 2.40 |
| CREEK | OK .... | 40037 | 2.60 |
| CUSTER | OK .... | 40039 | 2.40 |
| DELAWARE | OK .... | 40041 | 2.40 |
| DEWEY | OK .... | 40043 | 2.40 |
| ELLIS | OK .... | 40045 | 2.40 |
| GARFIELD | OK .... | 40047 | 2.40 |
| GARVIN | OK .... | 40049 | 2.60 |
| GRADY | OK .... | 40051 | 2.60 |
| GRANT | OK .... | 40053 | 2.40 |
| GREER | OK .... | 40055 | 2.60 |
| HARMON | OK .... | 40057 | 2.60 |
| HARPER | OK .... | 40059 | 2.40 |
| HASKELL | OK .... | 40061 | 2.80 |
| HUGHES | OK .... | 40063 | 2.60 |
| JACKSON | OK .... | 40065 | 2.60 |
| JEFFERSON | OK .... | 40067 | 2.80 |
| JOHNSTON | OK .... | 40069 | 2.80 |
| KAY | OK .... | 40071 | 2.40 |
| KINGFISHER | OK .... | 40073 | 2.40 |
| KIOWA | OK .... | 40075 | 2.60 |
| LATIMER | OK .... | 40077 | 2.80 |
| LE FLORE | OK .... | 40079 | 2.80 |
| LINCOLN | OK .... | 40081 | 2.60 |
| LOGAN | OK .... | 40083 | 2.40 |
| LOVE | OK .... | 40085 | 2.80 |
| MAJOR | OK .... | 40093 | 2.40 |
| MARSHALL | OK .... | 40095 | 2.80 |
| MAYES | OK .... | 40097 | 2.40 |
| MCCLAIN | OK .... | 40087 | 2.60 |
| MCCURTAIN | OK .... | 40089 | 2.80 |
| MCINTOSH | OK .... | 40091 | 2.60 |
| MURRAY | OK .... | 40099 | 2.80 |
| MUSKOGEE | OK .... | 40101 | 2.60 |
| NOBLE | OK .... | 40103 | 2.40 |
| NOWATA | OK .... | 40105 | 2.40 |
| OKFUSKEE | OK .... | 40107 | 2.60 |
| OKLAHOMA | OK .... | 40109 | 2.60 |
| OKMULGEE | OK .... | 40111 | 2.60 |
| OSAGE | OK .... | 40113 | 2.40 |
| OTTAWA | OK .... | 40115 | 2.40 |
| PAWNEE | OK .... | 40117 | 2.40 |
| PAYNE | OK .... | 40119 | 2.40 |
| PITTSBURG | OK .... | 40121 | 2.80 |
| PONTOTOC | OK .... | 40123 | 2.80 |
| POTTAWATOMIE | OK .... | 40125 | 2.60 |
| PUSHMATAHA | OK .... | 40127 | 2.80 |
| ROGER MILLS | OK .... | 40129 | 2.40 |
| ROGERS | OK .... | 40131 | 2.40 |
| SEMINOLE | OK .... | 40133 | 2.60 |
| SEQUOYAH | OK .... | 40135 | 2.80 |
| STEPHENS | OK .... | 40137 | 2.80 |
| TEXAS | OK .... | 40139 | 2.40 |
| TILLMAN | OK .... | 40141 | 2.60 |
| TULSA | OK .... | 40143 | 2.60 |
| WAGONER | OK .... | 40145 | 2.60 |
| WASHINGTON | OK .... | 40147 | 2.40 |
| WASHITA | OK .... | 40149 | 2.40 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| WOODS | OK | 40151 | 2.40 |
| WOODWARD | OK | 40153 | 2.40 |
| BAKER | OR | 41001 | 1.60 |
| BENTON | OR | 41003 | 1.90 |
| CLACKAMAS | OR | 41005 | 1.90 |
| CLATSOP | OR | 41007 | 1.90 |
| COLUMBIA | OR | 41009 | 1.90 |
| COOS | OR | 41011 | 1.90 |
| CROOK | OR | 41013 | 1.75 |
| CURRY | OR | 41015 | 1.90 |
| DESCHUTES | OR | 41017 | 1.75 |
| DOUGLAS | OR | 41019 | 1.90 |
| GILLIAM | OR | 41021 | 1.75 |
| GRANT | OR | 41023 | 1.60 |
| HARNEY | OR | 41025 | 1.60 |
| HOOD RIVER | OR | 41027 | 1.90 |
| JACKSON | OR | 41029 | 1.90 |
| JEFFERSON | OR | 41031 | 1.75 |
| JOSEPHINE | OR | 41033 | 1.90 |
| KLAMATH | OR | 41035 | 1.75 |
| LAKE | OR | 41037 | 1.75 |
| LANE | OR | 41039 | 1.90 |
| LINCOLN | OR | 41041 | 1.90 |
| LINN | OR | 41043 | 1.90 |
| MALHEUR | OR | 41045 | 1.60 |
| MARION | OR | 41047 | 1.90 |
| MORROW | OR | 41049 | 1.75 |
| MULTNOMAH | OR | 41051 | 1.90 |
| POLK | OR | 41053 | 1.90 |
| SHERMAN | OR | 41055 | 1.75 |
| TILLAMOOK | OR | 41057 | 1.90 |
| UMATILLA | OR | 41059 | 1.75 |
| UNION | OR | 41061 | 1.60 |
| WALLOWA | OR | 41063 | 1.60 |
| WASCO | OR | 41065 | 1.75 |
| WASHINGTON | OR | 41067 | 1.90 |
| WHEELER | OR | 41069 | 1.75 |
| YAMHILL | OR | 41071 | 1.90 |
| ADAMS | PA | 42001 | 2.80 |
| ALLEGHENY | PA | 42003 | 2.10 |
| ARMSTRONG | PA | 42005 | 2.30 |
| BEAVER | PA | 42007 | 2.10 |
| BEDFORD | PA | 42009 | 2.30 |
| BERKS | PA | 42011 | 2.80 |
| BLAIR | PA | 42013 | 2.30 |
| BRADFORD | PA | 42015 | 2.50 |
| BUCKS | PA | 42017 | 3.05 |
| BUTLER | PA | 42019 | 2.10 |
| CAMBRIA | PA | 42021 | 2.30 |
| CAMERON | PA | 42023 | 2.30 |
| CARBON | PA | 42025 | 2.80 |
| CENTRE | PA | 42027 | 2.50 |
| CHESTER | PA | 42029 | 3.05 |
| CLARION | PA | 42031 | 2.30 |
| CLEARFIELD | PA | 42033 | 2.30 |
| CLINTON | PA | 42035 | 2.50 |
| COLUMBIA | PA | 42037 | 2.70 |
| CRAWFORD | PA | 42039 | 2.10 |
| CUMBERLAND | PA | 42041 | 2.80 |
| DAUPHIN | PA | 42043 | 2.80 |
| DELAWARE | PA | 42045 | 3.05 |
| ELK | PA | 42047 | 2.30 |
| ERIE | PA | 42049 | 2.10 |
| FAYETTE | PA | 42051 | 2.30 |
| FOREST | PA | 42053 | 2.30 |
| FRANKLIN | PA | 42055 | 2.80 |
| FULTON | PA | 42057 | 2.70 |
| GREENE | PA | 42059 | 2.10 |
| HUNTINGDON | PA | 42061 | 2.30 |
| INDIANA | PA | 42063 | 2.30 |
| JEFFERSON | PA | 42065 | 2.30 |
| JUNIATA | PA | 42067 | 2.70 |
| LACKAWANNA | PA | 42069 | 2.70 |
| LANCASTER | PA | 42071 | 2.90 |
| LAWRENCE | PA | 42073 | 2.10 |
| LEBANON | PA | 42075 | 2.80 |
| LEHIGH | PA | 42077 | 2.80 |
| LUZERNE | PA | 42079 | 2.70 |
| LYCOMING | PA | 42081 | 2.50 |
| MCKEAN | PA | 42083 | 2.30 |
| MERCER | PA | 42085 | 2.10 |
| MIFFLIN | PA | 42087 | 2.70 |
| MONROE | PA | 42089 | 2.80 |
| MONTGOMERY | PA | 42091 | 3.05 |
| MONTOUR | PA | 42093 | 2.70 |
| NORTHAMPTON | PA | 42095 | 2.80 |
| NORTHUMBERLAND | PA | 42097 | 2.70 |
| PERRY | PA | 42099 | 2.70 |
| PHILADELPHIA | PA | 42101 | 3.05 |
| PIKE | PA | 42103 | 2.80 |
| POTTER | PA | 42105 | 2.50 |
| SCHUYLKILL | PA | 42107 | 2.80 |
| SNYDER | PA | 42109 | 2.70 |
| SOMERSET | PA | 42111 | 2.30 |
| SULLIVAN | PA | 42113 | 2.50 |
| SUSQUEHANNA | PA | 42115 | 2.50 |
| TIOGA | PA | 42117 | 2.50 |
| UNION | PA | 42119 | 2.70 |
| VENANGO | PA | 42121 | 2.10 |
| WARREN | PA | 42123 | 2.10 |
| WASHINGTON | PA | 42125 | 2.10 |
| WAYNE | PA | 42127 | 2.70 |
| WESTMORELAND | PA | 42129 | 2.30 |
| WYOMING | PA | 42131 | 2.50 |
| YORK | PA | 42133 | 2.90 |
| BRISTOL | RI | 44001 | 3.25 |
| KENT | RI | 44003 | 3.25 |
| NEWPORT | RI | 44005 | 3.25 |
| PROVIDENCE | RI | 44007 | 3.25 |
| WASHINGTON | RI | 44009 | 3.25 |
| ABBEVILLE | SC | 45001 | 3.10 |
| AIKEN | SC | 45003 | 3.30 |
| ALLENDALE | SC | 45005 | 3.30 |
| ANDERSON | SC | 45007 | 3.10 |
| BAMBERG | SC | 45009 | 3.30 |
| BARNWELL | SC | 45011 | 3.30 |
| BEAUFORT | SC | 45013 | 3.30 |
| BERKELEY | SC | 45015 | 3.30 |
| CALHOUN | SC | 45017 | 3.30 |
| CHARLESTON | SC | 45019 | 3.30 |
| CHEROKEE | SC | 45021 | 3.10 |
| CHESTER | SC | 45023 | 3.10 |
| CHESTERFIELD | SC | 45025 | 3.30 |
| CLARENDON | SC | 45027 | 3.30 |
| COLLETON | SC | 45029 | 3.30 |
| DARLINGTON | SC | 45031 | 3.30 |
| DILLON | SC | 45033 | 3.30 |
| DORCHESTER | SC | 45035 | 3.30 |
| EDGEFIELD | SC | 45037 | 3.30 |
| FAIRFIELD | SC | 45039 | 3.30 |
| FLORENCE | SC | 45041 | 3.30 |
| GEORGETOWN | SC | 45043 | 3.30 |
| GREENVILLE | SC | 45045 | 3.10 |
| GREENWOOD | SC | 45047 | 3.10 |
| HAMPTON | SC | 45049 | 3.30 |
| HORRY | SC | 45051 | 3.30 |
| JASPER | SC | 45053 | 3.30 |
| KERSHAW | SC | 45055 | 3.30 |
| LANCASTER | SC | 45057 | 3.10 |
| LAURENS | SC | 45059 | 3.10 |
| LEE | SC | 45061 | 3.30 |
| LEXINGTON | SC | 45063 | 3.30 |
| MARION | SC | 45067 | 3.30 |
| MARLBORO | SC | 45069 | 3.30 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| MCCORMICK | SC .... | 45065 | 3.10 |
| NEWBERRY | SC .... | 45071 | 3.30 |
| OCONEE | SC .... | 45073 | 3.10 |
| ORANGEBURG | SC .... | 45075 | 3.30 |
| PICKENS | SC .... | 45077 | 3.10 |
| RICHLAND | SC .... | 45079 | 3.30 |
| SALUDA | SC .... | 45081 | 3.30 |
| SPARTANBURG | SC .... | 45083 | 3.10 |
| SUMTER | SC .... | 45085 | 3.30 |
| UNION | SC .... | 45087 | 3.10 |
| WILLIAMSBURG | SC .... | 45089 | 3.30 |
| YORK | SC .... | 45091 | 3.10 |
| AURORA | SD .... | 46003 | 1.70 |
| BEADLE | SD .... | 46005 | 1.70 |
| BENNETT | SD .... | 46007 | 1.70 |
| BON HOMME | SD .... | 46009 | 1.75 |
| BROOKINGS | SD .... | 46011 | 1.70 |
| BROWN | SD .... | 46013 | 1.70 |
| BRULE | SD .... | 46015 | 1.70 |
| BUFFALO | SD .... | 46017 | 1.70 |
| BUTTE | SD .... | 46019 | 1.65 |
| CAMPBELL | SD .... | 46021 | 1.65 |
| CHARLES MIX | SD .... | 46023 | 1.75 |
| CLARK | SD .... | 46025 | 1.70 |
| CLAY | SD .... | 46027 | 1.75 |
| CODINGTON | SD .... | 46029 | 1.70 |
| CORSON | SD .... | 46031 | 1.65 |
| CUSTER | SD .... | 46033 | 1.80 |
| DAVISON | SD .... | 46035 | 1.70 |
| DAY | SD .... | 46037 | 1.70 |
| DEUEL | SD .... | 46039 | 1.70 |
| DEWEY | SD .... | 46041 | 1.65 |
| DOUGLAS | SD .... | 46043 | 1.75 |
| EDMUNDS | SD .... | 46045 | 1.70 |
| FALL RIVER | SD .... | 46047 | 1.80 |
| FAULK | SD .... | 46049 | 1.70 |
| GRANT | SD .... | 46051 | 1.70 |
| GREGORY | SD .... | 46053 | 1.75 |
| HAAKON | SD .... | 46055 | 1.70 |
| HAMLIN | SD .... | 46057 | 1.70 |
| HAND | SD .... | 46059 | 1.70 |
| HANSON | SD .... | 46061 | 1.70 |
| HARDING | SD .... | 46063 | 1.65 |
| HUGHES | SD .... | 46065 | 1.70 |
| HUTCHINSON | SD .... | 46067 | 1.75 |
| HYDE | SD .... | 46069 | 1.70 |
| JACKSON | SD .... | 46071 | 1.70 |
| JERAULD | SD .... | 46073 | 1.70 |
| JONES | SD .... | 46075 | 1.70 |
| KINGSBURY | SD .... | 46077 | 1.70 |
| LAKE | SD .... | 46079 | 1.70 |
| LAWRENCE | SD .... | 46081 | 1.80 |
| LINCOLN | SD .... | 46083 | 1.75 |
| LYMAN | SD .... | 46085 | 1.70 |
| MARSHALL | SD .... | 46091 | 1.70 |
| MCCOOK | SD .... | 46087 | 1.70 |
| MCPHERSON | SD .... | 46089 | 1.70 |
| MEADE | SD .... | 46093 | 1.65 |
| MELLETTE | SD .... | 46095 | 1.70 |
| MINER | SD .... | 46097 | 1.70 |
| MINNEHAHA | SD .... | 46099 | 1.70 |
| MOODY | SD .... | 46101 | 1.70 |
| PENNINGTON | SD .... | 46103 | 1.80 |
| PERKINS | SD .... | 46105 | 1.65 |
| POTTER | SD .... | 46107 | 1.70 |
| ROBERTS | SD .... | 46109 | 1.70 |
| SANBORN | SD .... | 46111 | 1.70 |
| SHANNON | SD .... | 46113 | 1.80 |
| SPINK | SD .... | 46115 | 1.70 |
| STANLEY | SD .... | 46117 | 1.70 |
| SULLY | SD .... | 46119 | 1.70 |
| TODD | SD .... | 46121 | 1.70 |
| TRIPP | SD .... | 46123 | 1.70 |
| TURNER | SD .... | 46125 | 1.75 |
| UNION | SD .... | 46127 | 1.75 |
| WALWORTH | SD .... | 46129 | 1.70 |
| YANKTON | SD .... | 46135 | 1.75 |
| ZIEBACH | SD .... | 46137 | 1.65 |
| ANDERSON | TN .... | 47001 | 2.80 |
| BEDFORD | TN .... | 47003 | 2.60 |
| BENTON | TN .... | 47005 | 2.60 |
| BLEDSOE | TN .... | 47007 | 2.60 |
| BLOUNT | TN .... | 47009 | 2.80 |
| BRADLEY | TN .... | 47011 | 2.80 |
| CAMPBELL | TN .... | 47013 | 2.80 |
| CANNON | TN .... | 47015 | 2.60 |
| CARROLL | TN .... | 47017 | 2.60 |
| CARTER | TN .... | 47019 | 2.80 |
| CHEATHAM | TN .... | 47021 | 2.60 |
| CHESTER | TN .... | 47023 | 2.80 |
| CLAIBORNE | TN .... | 47025 | 2.80 |
| CLAY | TN .... | 47027 | 2.60 |
| COCKE | TN .... | 47029 | 2.80 |
| COFFEE | TN .... | 47031 | 2.60 |
| CROCKETT | TN .... | 47033 | 2.60 |
| CUMBERLAND | TN .... | 47035 | 2.80 |
| DAVIDSON | TN .... | 47037 | 2.60 |
| DE KALB | TN .... | 47041 | 2.60 |
| DECATUR | TN .... | 47039 | 2.60 |
| DICKSON | TN .... | 47043 | 2.60 |
| DYER | TN .... | 47045 | 2.60 |
| FAYETTE | TN .... | 47047 | 2.80 |
| FENTRESS | TN .... | 47049 | 2.60 |
| FRANKLIN | TN .... | 47051 | 2.80 |
| GIBSON | TN .... | 47053 | 2.60 |
| GILES | TN .... | 47055 | 2.80 |
| GRAINGER | TN .... | 47057 | 2.80 |
| GREENE | TN .... | 47059 | 2.80 |
| GRUNDY | TN .... | 47061 | 2.60 |
| HAMBLEN | TN .... | 47063 | 2.80 |
| HAMILTON | TN .... | 47065 | 2.80 |
| HANCOCK | TN .... | 47067 | 2.80 |
| HARDEMAN | TN .... | 47069 | 2.80 |
| HARDIN | TN .... | 47071 | 2.80 |
| HAWKINS | TN .... | 47073 | 2.80 |
| HAYWOOD | TN .... | 47075 | 2.60 |
| HENDERSON | TN .... | 47077 | 2.60 |
| HENRY | TN .... | 47079 | 2.60 |
| HICKMAN | TN .... | 47081 | 2.60 |
| HOUSTON | TN .... | 47083 | 2.60 |
| HUMPHREYS | TN .... | 47085 | 2.60 |
| JACKSON | TN .... | 47087 | 2.60 |
| JEFFERSON | TN .... | 47089 | 2.80 |
| JOHNSON | TN .... | 47091 | 2.80 |
| KNOX | TN .... | 47093 | 2.80 |
| LAKE | TN .... | 47095 | 2.60 |
| LAUDERDALE | TN .... | 47097 | 2.60 |
| LAWRENCE | TN .... | 47099 | 2.80 |
| LEWIS | TN .... | 47101 | 2.60 |
| LINCOLN | TN .... | 47103 | 2.80 |
| LOUDON | TN .... | 47105 | 2.80 |
| MACON | TN .... | 47111 | 2.60 |
| MADISON | TN .... | 47113 | 2.60 |
| MARION | TN .... | 47115 | 2.80 |
| MARSHALL | TN .... | 47117 | 2.60 |
| MAURY | TN .... | 47119 | 2.60 |
| MCMINN | TN .... | 47107 | 2.80 |
| MCNAIRY | TN .... | 47109 | 2.80 |
| MEIGS | TN .... | 47121 | 2.80 |
| MONROE | TN .... | 47123 | 2.80 |
| MONTGOMERY | TN .... | 47125 | 2.60 |
| MOORE | TN .... | 47127 | 2.80 |
| MORGAN | TN .... | 47129 | 2.80 |
| OBION | TN .... | 47131 | 2.60 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| OVERTON | TN .... | 47133 | 2.60 |
| PERRY | TN .... | 47135 | 2.60 |
| PICKETT | TN .... | 47137 | 2.60 |
| POLK | TN .... | 47139 | 2.80 |
| PUTNAM | TN .... | 47141 | 2.60 |
| RHEA | TN .... | 47143 | 2.80 |
| ROANE | TN .... | 47145 | 2.80 |
| ROBERTSON | TN .... | 47147 | 2.60 |
| RUTHERFORD | TN .... | 47149 | 2.60 |
| SCOTT | TN .... | 47151 | 2.80 |
| SEQUATCHIE | TN .... | 47153 | 2.80 |
| SEVIER | TN .... | 47155 | 2.80 |
| SHELBY | TN .... | 47157 | 2.80 |
| SMITH | TN .... | 47159 | 2.60 |
| STEWART | TN .... | 47161 | 2.60 |
| SULLIVAN | TN .... | 47163 | 2.80 |
| SUMNER | TN .... | 47165 | 2.60 |
| TIPTON | TN .... | 47167 | 2.80 |
| TROUSDALE | TN .... | 47169 | 2.60 |
| UNICOI | TN .... | 47171 | 2.80 |
| UNION | TN .... | 47173 | 2.80 |
| VAN BUREN | TN .... | 47175 | 2.60 |
| WARREN | TN .... | 47177 | 2.60 |
| WASHINGTON | TN .... | 47179 | 2.80 |
| WAYNE | TN .... | 47181 | 2.80 |
| WEAKLEY | TN .... | 47183 | 2.60 |
| WHITE | TN .... | 47185 | 2.60 |
| WILLIAMSON | TN .... | 47187 | 2.60 |
| WILSON | TN .... | 47189 | 2.60 |
| ANDERSON | TX .... | 48001 | 3.15 |
| ANDREWS | TX .... | 48003 | 2.40 |
| ANGELINA | TX .... | 48005 | 3.15 |
| ARANSAS | TX .... | 48007 | 3.65 |
| ARCHER | TX .... | 48009 | 2.80 |
| ARMSTRONG | TX .... | 48011 | 2.40 |
| ATASCOSA | TX .... | 48013 | 3.45 |
| AUSTIN | TX .... | 48015 | 3.60 |
| BAILEY | TX .... | 48017 | 2.40 |
| BANDERA | TX .... | 48019 | 3.30 |
| BASTROP | TX .... | 48021 | 3.30 |
| BAYLOR | TX .... | 48023 | 2.60 |
| BEE | TX .... | 48025 | 3.65 |
| BELL | TX .... | 48027 | 3.15 |
| BEXAR | TX .... | 48029 | 3.45 |
| BLANCO | TX .... | 48031 | 3.30 |
| BORDEN | TX .... | 48033 | 2.40 |
| BOSQUE | TX .... | 48035 | 3.15 |
| BOWIE | TX .... | 48037 | 3.00 |
| BRAZORIA | TX .... | 48039 | 3.60 |
| BRAZOS | TX .... | 48041 | 3.30 |
| BREWSTER | TX .... | 48043 | 2.40 |
| BRISCOE | TX .... | 48045 | 2.40 |
| BROOKS | TX .... | 48047 | 3.65 |
| BROWN | TX .... | 48049 | 2.80 |
| BURLESON | TX .... | 48051 | 3.30 |
| BURNET | TX .... | 48053 | 3.30 |
| CALDWELL | TX .... | 48055 | 3.45 |
| CALHOUN | TX .... | 48057 | 3.65 |
| CALLAHAN | TX .... | 48059 | 2.80 |
| CAMERON | TX .... | 48061 | 3.65 |
| CAMP | TX .... | 48063 | 3.00 |
| CARSON | TX .... | 48065 | 2.40 |
| CASS | TX .... | 48067 | 3.00 |
| CASTRO | TX .... | 48069 | 2.40 |
| CHAMBERS | TX .... | 48071 | 3.60 |
| CHEROKEE | TX .... | 48073 | 3.15 |
| CHILDRESS | TX .... | 48075 | 2.40 |
| CLAY | TX .... | 48077 | 2.80 |
| COCHRAN | TX .... | 48079 | 2.40 |
| COKE | TX .... | 48081 | 2.60 |
| COLEMAN | TX .... | 48083 | 2.80 |
| COLLIN | TX .... | 48085 | 3.00 |
| COLLINGSWORTH | TX .... | 48087 | 2.40 |
| COLORADO | TX .... | 48089 | 3.60 |
| COMAL | TX .... | 48091 | 3.45 |
| COMANCHE | TX .... | 48093 | 2.80 |
| CONCHO | TX .... | 48095 | 2.80 |
| COOKE | TX .... | 48097 | 3.00 |
| CORYELL | TX .... | 48099 | 3.15 |
| COTTLE | TX .... | 48101 | 2.40 |
| CRANE | TX .... | 48103 | 2.40 |
| CROCKETT | TX .... | 48105 | 2.60 |
| CROSBY | TX .... | 48107 | 2.40 |
| CULBERSON | TX .... | 48109 | 2.40 |
| DALLAM | TX .... | 48111 | 2.40 |
| DALLAS | TX .... | 48113 | 3.00 |
| DAWSON | TX .... | 48115 | 2.40 |
| DE WITT | TX .... | 48123 | 3.60 |
| DEAF SMITH | TX .... | 48117 | 2.40 |
| DELTA | TX .... | 48119 | 3.00 |
| DENTON | TX .... | 48121 | 3.00 |
| DICKENS | TX .... | 48125 | 2.40 |
| DIMMIT | TX .... | 48127 | 3.45 |
| DONLEY | TX .... | 48129 | 2.40 |
| DUVAL | TX .... | 48131 | 3.65 |
| EASTLAND | TX .... | 48133 | 2.80 |
| ECTOR | TX .... | 48135 | 2.40 |
| EDWARDS | TX .... | 48137 | 2.80 |
| EL PASO | TX .... | 48141 | 2.25 |
| ELLIS | TX .... | 48139 | 3.00 |
| ERATH | TX .... | 48143 | 3.00 |
| FALLS | TX .... | 48145 | 3.15 |
| FANNIN | TX .... | 48147 | 3.00 |
| FAYETTE | TX .... | 48149 | 3.60 |
| FISHER | TX .... | 48151 | 2.60 |
| FLOYD | TX .... | 48153 | 2.40 |
| FOARD | TX .... | 48155 | 2.60 |
| FORT BEND | TX .... | 48157 | 3.60 |
| FRANKLIN | TX .... | 48159 | 3.00 |
| FREESTONE | TX .... | 48161 | 3.15 |
| FRIO | TX .... | 48163 | 3.45 |
| GAINES | TX .... | 48165 | 2.40 |
| GALVESTON | TX .... | 48167 | 3.60 |
| GARZA | TX .... | 48169 | 2.40 |
| GILLESPIE | TX .... | 48171 | 3.30 |
| GLASSCOCK | TX .... | 48173 | 2.60 |
| GOLIAD | TX .... | 48175 | 3.65 |
| GONZALES | TX .... | 48177 | 3.45 |
| GRAY | TX .... | 48179 | 2.40 |
| GRAYSON | TX .... | 48181 | 3.00 |
| GREGG | TX .... | 48183 | 3.00 |
| GRIMES | TX .... | 48185 | 3.30 |
| GUADALUPE | TX .... | 48187 | 3.45 |
| HALE | TX .... | 48189 | 2.40 |
| HALL | TX .... | 48191 | 2.40 |
| HAMILTON | TX .... | 48193 | 3.15 |
| HANSFORD | TX .... | 48195 | 2.40 |
| HARDEMAN | TX .... | 48197 | 2.60 |
| HARDIN | TX .... | 48199 | 3.60 |
| HARRIS | TX .... | 48201 | 3.60 |
| HARRISON | TX .... | 48203 | 3.00 |
| HARTLEY | TX .... | 48205 | 2.40 |
| HASKELL | TX .... | 48207 | 2.60 |
| HAYS | TX .... | 48209 | 3.45 |
| HEMPHILL | TX .... | 48211 | 2.40 |
| HENDERSON | TX .... | 48213 | 3.00 |
| HIDALGO | TX .... | 48215 | 3.65 |
| HILL | TX .... | 48217 | 3.15 |
| HOCKLEY | TX .... | 48219 | 2.40 |
| HOOD | TX .... | 48221 | 3.00 |
| HOPKINS | TX .... | 48223 | 3.00 |
| HOUSTON | TX .... | 48225 | 3.15 |
| HOWARD | TX .... | 48227 | 2.40 |
| HUDSPETH | TX .... | 48229 | 2.25 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| HUNT | TX .... | 48231 | 3.00 |
| HUTCHINSON | TX .... | 48233 | 2.40 |
| IRION | TX .... | 48235 | 2.60 |
| JACK | TX .... | 48237 | 2.80 |
| JACKSON | TX .... | 48239 | 3.60 |
| JASPER | TX .... | 48241 | 3.30 |
| JEFF DAVIS | TX .... | 48243 | 2.40 |
| JEFFERSON | TX .... | 48245 | 3.60 |
| JIM HOGG | TX .... | 48247 | 3.65 |
| JIM WELLS | TX .... | 48249 | 3.65 |
| JOHNSON | TX .... | 48251 | 3.00 |
| JONES | TX .... | 48253 | 2.60 |
| KARNES | TX .... | 48255 | 3.65 |
| KAUFMAN | TX .... | 48257 | 3.00 |
| KENDALL | TX .... | 48259 | 3.30 |
| KENEDY | TX .... | 48261 | 3.65 |
| KENT | TX .... | 48263 | 2.60 |
| KERR | TX .... | 48265 | 3.30 |
| KIMBLE | TX .... | 48267 | 2.80 |
| KING | TX .... | 48269 | 2.60 |
| KINNEY | TX .... | 48271 | 3.30 |
| KLEBERG | TX .... | 48273 | 3.65 |
| KNOX | TX .... | 48275 | 2.60 |
| LA SALLE | TX .... | 48283 | 3.45 |
| LAMAR | TX .... | 48277 | 3.00 |
| LAMB | TX .... | 48279 | 2.40 |
| LAMPASAS | TX .... | 48281 | 3.15 |
| LAVACA | TX .... | 48285 | 3.60 |
| LEE | TX .... | 48287 | 3.30 |
| LEON | TX .... | 48289 | 3.15 |
| LIBERTY | TX .... | 48291 | 3.60 |
| LIMESTONE | TX .... | 48293 | 3.15 |
| LIPSCOMB | TX .... | 48295 | 2.40 |
| LIVE OAK | TX .... | 48297 | 3.65 |
| LLANO | TX .... | 48299 | 3.30 |
| LOVING | TX .... | 48301 | 2.40 |
| LUBBOCK | TX .... | 48303 | 2.40 |
| LYNN | TX .... | 48305 | 2.40 |
| MADISON | TX .... | 48313 | 3.30 |
| MARION | TX .... | 48315 | 3.00 |
| MARTIN | TX .... | 48317 | 2.40 |
| MASON | TX .... | 48319 | 2.80 |
| MATAGORDA | TX .... | 48321 | 3.60 |
| MAVERICK | TX .... | 48323 | 3.30 |
| MCCULLOCH | TX .... | 48307 | 2.80 |
| MCLENNAN | TX .... | 48309 | 3.15 |
| MCMULLEN | TX .... | 48311 | 3.45 |
| MEDINA | TX .... | 48325 | 3.30 |
| MENARD | TX .... | 48327 | 2.80 |
| MIDLAND | TX .... | 48329 | 2.40 |
| MILAM | TX .... | 48331 | 3.30 |
| MILLS | TX .... | 48333 | 2.80 |
| MITCHELL | TX .... | 48335 | 2.60 |
| MONTAGUE | TX .... | 48337 | 2.80 |
| MONTGOMERY | TX .... | 48339 | 3.60 |
| MOORE | TX .... | 48341 | 2.40 |
| MORRIS | TX .... | 48343 | 3.00 |
| MOTLEY | TX .... | 48345 | 2.40 |
| NACOGDOCHES | TX .... | 48347 | 3.15 |
| NAVARRO | TX .... | 48349 | 3.15 |
| NEWTON | TX .... | 48351 | 3.30 |
| NOLAN | TX .... | 48353 | 2.60 |
| NUECES | TX .... | 48355 | 3.65 |
| OCHILTREE | TX .... | 48357 | 2.40 |
| OLDHAM | TX .... | 48359 | 2.40 |
| ORANGE | TX .... | 48361 | 3.60 |
| PALO PINTO | TX .... | 48363 | 2.80 |
| PANOLA | TX .... | 48365 | 3.00 |
| PARKER | TX .... | 48367 | 3.00 |
| PARMER | TX .... | 48369 | 2.40 |
| PECOS | TX .... | 48371 | 2.40 |
| POLK | TX .... | 48373 | 3.30 |
| POTTER | TX .... | 48375 | 2.40 |
| PRESIDIO | TX .... | 48377 | 2.40 |
| RAINS | TX .... | 48379 | 3.00 |
| RANDALL | TX .... | 48381 | 2.40 |
| REAGAN | TX .... | 48383 | 2.60 |
| REAL | TX .... | 48385 | 3.30 |
| RED RIVER | TX .... | 48387 | 3.00 |
| REEVES | TX .... | 48389 | 2.40 |
| REFUGIO | TX .... | 48391 | 3.65 |
| ROBERTS | TX .... | 48393 | 2.40 |
| ROBERTSON | TX .... | 48395 | 3.30 |
| ROCKWALL | TX .... | 48397 | 3.00 |
| RUNNELS | TX .... | 48399 | 2.80 |
| RUSK | TX .... | 48401 | 3.00 |
| SABINE | TX .... | 48403 | 3.15 |
| SAN AUGUSTINE | TX .... | 48405 | 3.15 |
| SAN JACINTO | TX .... | 48407 | 3.30 |
| SAN PATRICIO | TX .... | 48409 | 3.65 |
| SAN SABA | TX .... | 48411 | 2.80 |
| SCHLEICHER | TX .... | 48413 | 2.80 |
| SCURRY | TX .... | 48415 | 2.60 |
| SHACKELFORD | TX .... | 48417 | 2.80 |
| SHELBY | TX .... | 48419 | 3.15 |
| SHERMAN | TX .... | 48421 | 2.40 |
| SMITH | TX .... | 48423 | 3.00 |
| SOMERVELL | TX .... | 48425 | 3.00 |
| STARR | TX .... | 48427 | 3.65 |
| STEPHENS | TX .... | 48429 | 2.80 |
| STERLING | TX .... | 48431 | 2.60 |
| STONEWALL | TX .... | 48433 | 2.60 |
| SUTTON | TX .... | 48435 | 2.80 |
| SWISHER | TX .... | 48437 | 2.40 |
| TARRANT | TX .... | 48439 | 3.00 |
| TAYLOR | TX .... | 48441 | 2.60 |
| TERRELL | TX .... | 48443 | 2.60 |
| TERRY | TX .... | 48445 | 2.40 |
| THROCKMORTON | TX .... | 48447 | 2.80 |
| TITUS | TX .... | 48449 | 3.00 |
| TOM GREEN | TX .... | 48451 | 2.80 |
| TRAVIS | TX .... | 48453 | 3.30 |
| TRINITY | TX .... | 48455 | 3.30 |
| TYLER | TX .... | 48457 | 3.30 |
| UPSHUR | TX .... | 48459 | 3.00 |
| UPTON | TX .... | 48461 | 2.40 |
| UVALDE | TX .... | 48463 | 3.30 |
| VAL VERDE | TX .... | 48465 | 2.80 |
| VAN ZANDT | TX .... | 48467 | 3.00 |
| VICTORIA | TX .... | 48469 | 3.65 |
| WALKER | TX .... | 48471 | 3.30 |
| WALLER | TX .... | 48473 | 3.60 |
| WARD | TX .... | 48475 | 2.40 |
| WASHINGTON | TX .... | 48477 | 3.30 |
| WEBB | TX .... | 48479 | 3.45 |
| WHARTON | TX .... | 48481 | 3.60 |
| WHEELER | TX .... | 48483 | 2.40 |
| WICHITA | TX .... | 48485 | 2.80 |
| WILBARGER | TX .... | 48487 | 2.60 |
| WILLACY | TX .... | 48489 | 3.65 |
| WILLIAMSON | TX .... | 48491 | 3.30 |
| WILSON | TX .... | 48493 | 3.45 |
| WINKLER | TX .... | 48495 | 2.40 |
| WISE | TX .... | 48497 | 3.00 |
| WOOD | TX .... | 48499 | 3.00 |
| YOAKUM | TX .... | 48501 | 2.40 |
| YOUNG | TX .... | 48503 | 2.80 |
| ZAPATA | TX .... | 48505 | 3.65 |
| ZAVALA | TX .... | 48507 | 3.30 |
| BEAVER | UT .... | 49001 | 1.60 |
| BOX ELDER | UT .... | 49003 | 1.90 |
| CACHE | UT .... | 49005 | 1.90 |
| CARBON | UT .... | 49007 | 1.90 |
| DAGGETT | UT .... | 49009 | 1.90 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| DAVIS | UT .... | 49011 | 1.90 |
| DUCHESNE | UT .... | 49013 | 1.90 |
| EMERY | UT .... | 49015 | 1.90 |
| GARFIELD | UT .... | 49017 | 1.60 |
| GRAND | UT .... | 49019 | 1.90 |
| IRON | UT .... | 49021 | 1.60 |
| JUAB | UT .... | 49023 | 1.90 |
| KANE | UT .... | 49025 | 1.60 |
| MILLARD | UT .... | 49027 | 1.90 |
| MORGAN | UT .... | 49029 | 1.90 |
| PIUTE | UT .... | 49031 | 1.60 |
| RICH | UT .... | 49033 | 1.90 |
| SALT LAKE | UT .... | 49035 | 1.90 |
| SAN JUAN | UT .... | 49037 | 1.60 |
| SANPETE | UT .... | 49039 | 1.90 |
| SEVIER | UT .... | 49041 | 1.90 |
| SUMMIT | UT .... | 49043 | 1.90 |
| TOOELE | UT .... | 49045 | 1.90 |
| UINTAH | UT .... | 49047 | 1.90 |
| UTAH | UT .... | 49049 | 1.90 |
| WASATCH | UT .... | 49051 | 1.90 |
| WASHINGTON | UT .... | 49053 | 1.60 |
| WAYNE | UT .... | 49055 | 1.60 |
| WEBER | UT .... | 49057 | 1.90 |
| ACCOMACK | VA .... | 51001 | 3.00 |
| ALBEMARLE | VA .... | 51003 | 2.80 |
| ALEXANDRIA CITY | VA .... | 51510 | 3.00 |
| ALLEGHANY | VA .... | 51005 | 2.80 |
| AMELIA | VA .... | 51007 | 3.10 |
| AMHERST | VA .... | 51009 | 2.80 |
| APPOMATTOX | VA .... | 51011 | 2.80 |
| ARLINGTON | VA .... | 51013 | 3.00 |
| AUGUSTA | VA .... | 51015 | 2.80 |
| BATH | VA .... | 51017 | 2.80 |
| BEDFORD | VA .... | 51019 | 2.80 |
| BEDFORD CITY | VA .... | 51515 | 2.80 |
| BLAND | VA .... | 51021 | 2.80 |
| BOTETOURT | VA .... | 51023 | 2.80 |
| BRISTOL CITY | VA .... | 51520 | 2.80 |
| BRUNSWICK | VA .... | 51025 | 3.10 |
| BUCHANAN | VA .... | 51027 | 2.80 |
| BUCKINGHAM | VA .... | 51029 | 2.80 |
| BUENA VISTA CITY | VA .... | 51530 | 2.80 |
| CAMPBELL | VA .... | 51031 | 2.80 |
| CAROLINE | VA .... | 51033 | 3.10 |
| CARROLL | VA .... | 51035 | 2.80 |
| CHARLES CITY | VA .... | 51036 | 3.10 |
| CHARLOTTE | VA .... | 51037 | 3.10 |
| CHARLOTTESVILLE CITY | VA .... | 51540 | 2.80 |
| CHESAPEAKE CITY | VA .... | 51550 | 3.20 |
| CHESTERFIELD | VA .... | 51041 | 3.10 |
| CLARKE | VA .... | 51043 | 2.80 |
| CLIFTON FORGE CITY | VA .... | 51560 | 2.80 |
| COLONIAL HEIGHTS CITY | VA .... | 51570 | 3.10 |
| COVINGTON CITY | VA .... | 51580 | 2.80 |
| CRAIG | VA .... | 51045 | 2.80 |
| CULPEPER | VA .... | 51047 | 2.80 |
| CUMBERLAND | VA .... | 51049 | 2.80 |
| DANVILLE CITY | VA .... | 51590 | 2.80 |
| DICKENSON | VA .... | 51051 | 2.80 |
| DINWIDDIE | VA .... | 51053 | 3.10 |
| EMPORIA CITY | VA .... | 51595 | 3.10 |
| ESSEX | VA .... | 51057 | 3.10 |
| FAIRFAX | VA .... | 51059 | 3.00 |
| FAIRFAX CITY | VA .... | 51600 | 3.00 |
| FALLS CHURCH CITY | VA .... | 51610 | 3.00 |
| FAUQUIER | VA .... | 51061 | 3.00 |
| FLOYD | VA .... | 51063 | 2.80 |
| FLUVANNA | VA .... | 51065 | 2.80 |
| FRANKLIN | VA .... | 51067 | 2.80 |
| FRANKLIN CITY | VA .... | 51620 | 3.10 |
| FREDERICK | VA .... | 51069 | 2.80 |
| FREDERICKSBURG CITY | VA .... | 51630 | 2.80 |
| GALAX CITY | VA .... | 51640 | 2.80 |
| GILES | VA .... | 51071 | 2.80 |
| GLOUCESTER | VA .... | 51073 | 3.20 |
| GOOCHLAND | VA .... | 51075 | 3.10 |
| GRAYSON | VA .... | 51077 | 2.80 |
| GREENE | VA .... | 51079 | 2.80 |
| GREENSVILLE | VA .... | 51081 | 3.10 |
| HALIFAX | VA .... | 51083 | 3.10 |
| HAMPTON CITY | VA .... | 51650 | 3.20 |
| HANOVER | VA .... | 51085 | 3.10 |
| HARRISONBURG CITY | VA .... | 51660 | 2.80 |
| HENRICO | VA .... | 51087 | 3.10 |
| HENRY | VA .... | 51089 | 2.80 |
| HIGHLAND | VA .... | 51091 | 2.80 |
| HOPEWELL CITY | VA .... | 51670 | 3.10 |
| ISLE OF WIGHT | VA .... | 51093 | 3.20 |
| JAMES CITY | VA .... | 51095 | 3.10 |
| KING AND QUEEN | VA .... | 51097 | 3.10 |
| KING GEORGE | VA .... | 51099 | 3.10 |
| KING WILLIAM | VA .... | 51101 | 3.10 |
| LANCASTER | VA .... | 51103 | 3.10 |
| LEE | VA .... | 51105 | 2.80 |
| LEXINGTON CITY | VA .... | 51678 | 2.80 |
| LOUDOUN | VA .... | 51107 | 3.00 |
| LOUISA | VA .... | 51109 | 2.80 |
| LUNENBURG | VA .... | 51111 | 3.10 |
| LYNCHBURG CITY | VA .... | 51680 | 2.80 |
| MADISON | VA .... | 51113 | 2.80 |
| MANASSAS CITY | VA .... | 51683 | 3.00 |
| MANASSAS PARK CITY | VA .... | 51685 | 3.00 |
| MARTINSVILLE CITY | VA .... | 51690 | 2.80 |
| MATHEWS | VA .... | 51115 | 3.20 |
| MECKLENBURG | VA .... | 51117 | 3.10 |
| MIDDLESEX | VA .... | 51119 | 3.10 |
| MONTGOMERY | VA .... | 51121 | 2.80 |
| NELSON | VA .... | 51125 | 2.80 |
| NEW KENT | VA .... | 51127 | 3.10 |
| NEWPORT NEWS CITY | VA .... | 51700 | 3.20 |
| NORFOLK CITY | VA .... | 51710 | 3.20 |
| NORTHAMPTON | VA .... | 51131 | 3.00 |
| NORTHUMBERLAND | VA .... | 51133 | 3.10 |
| NORTON CITY | VA .... | 51720 | 2.80 |
| NOTTOWAY | VA .... | 51135 | 3.10 |
| ORANGE | VA .... | 51137 | 2.80 |
| PAGE | VA .... | 51139 | 2.80 |
| PATRICK | VA .... | 51141 | 2.80 |
| PETERSBURG CITY | VA .... | 51730 | 3.10 |
| PITTSYLVANIA | VA .... | 51143 | 2.80 |
| POQUOSON CITY | VA .... | 51735 | 3.20 |
| PORTSMOUTH CITY | VA .... | 51740 | 3.20 |
| POWHATAN | VA .... | 51145 | 3.10 |
| PRINCE EDWARD | VA .... | 51147 | 3.10 |
| PRINCE GEORGE | VA .... | 51149 | 3.10 |
| PRINCE WILLIAM | VA .... | 51153 | 3.00 |
| PULASKI | VA .... | 51155 | 2.80 |
| RADFORD CITY | VA .... | 51750 | 2.80 |
| RAPPAHANNOCK | VA .... | 51157 | 2.80 |
| RICHMOND | VA .... | 51159 | 3.10 |
| RICHMOND CITY | VA .... | 51760 | 3.10 |
| ROANOKE | VA .... | 51161 | 2.80 |
| ROANOKE CITY | VA .... | 51770 | 2.80 |
| ROCKBRIDGE | VA .... | 51163 | 2.80 |
| ROCKINGHAM | VA .... | 51165 | 2.80 |
| RUSSELL | VA .... | 51167 | 2.80 |
| SALEM CITY | VA .... | 51775 | 2.80 |
| SCOTT | VA .... | 51169 | 2.80 |
| SHENANDOAH | VA .... | 51171 | 2.80 |
| SMYTH | VA .... | 51173 | 2.80 |
| SOUTHAMPTON | VA .... | 51175 | 3.10 |
| SPOTSYLVANIA | VA .... | 51177 | 2.80 |
| STAFFORD | VA .... | 51179 | 3.00 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| STAUNTON CITY | VA | 51790 | 2.80 |
| SUFFOLK CITY | VA | 51800 | 3.20 |
| SURRY | VA | 51181 | 3.10 |
| SUSSEX | VA | 51183 | 3.10 |
| TAZEWELL | VA | 51185 | 2.80 |
| VIRGINIA BEACH CITY | VA | 51810 | 3.20 |
| WARREN | VA | 51187 | 2.80 |
| WASHINGTON | VA | 51191 | 2.80 |
| WAYNESBORO CITY | VA | 51820 | 2.80 |
| WESTMORELAND | VA | 51193 | 3.10 |
| WILLIAMSBURG CITY | VA | 51830 | 3.10 |
| WINCHESTER CITY | VA | 51840 | 2.80 |
| WISE | VA | 51195 | 2.80 |
| WYTHE | VA | 51197 | 2.80 |
| YORK | VA | 51199 | 3.20 |
| ADDISON | VT | 50001 | 2.60 |
| BENNINGTON | VT | 50003 | 2.80 |
| CALEDONIA | VT | 50005 | 2.60 |
| CHITTENDEN | VT | 50007 | 2.50 |
| ESSEX | VT | 50009 | 2.40 |
| FRANKLIN | VT | 50011 | 2.40 |
| GRAND ISLE | VT | 50013 | 2.40 |
| LAMOILLE | VT | 50015 | 2.50 |
| ORANGE | VT | 50017 | 2.60 |
| ORLEANS | VT | 50019 | 2.40 |
| RUTLAND | VT | 50021 | 2.60 |
| WASHINGTON | VT | 50023 | 2.60 |
| WINDHAM | VT | 50025 | 2.80 |
| WINDSOR | VT | 50027 | 2.80 |
| ADAMS | WA | 53001 | 1.75 |
| ASOTIN | WA | 53003 | 1.75 |
| BENTON | WA | 53005 | 1.75 |
| CHELAN | WA | 53007 | 1.75 |
| CLALLAM | WA | 53009 | 1.90 |
| CLARK | WA | 53011 | 1.90 |
| COLUMBIA | WA | 53013 | 1.75 |
| COWLITZ | WA | 53015 | 1.90 |
| DOUGLAS | WA | 53017 | 1.75 |
| FERRY | WA | 53019 | 1.90 |
| FRANKLIN | WA | 53021 | 1.75 |
| GARFIELD | WA | 53023 | 1.75 |
| GRANT | WA | 53025 | 1.75 |
| GRAYS HARBOR | WA | 53027 | 1.90 |
| ISLAND | WA | 53029 | 1.90 |
| JEFFERSON | WA | 53031 | 1.90 |
| KING | WA | 53033 | 1.90 |
| KITSAP | WA | 53035 | 1.90 |
| KITTITAS | WA | 53037 | 1.75 |
| KLICKITAT | WA | 53039 | 1.75 |
| LEWIS | WA | 53041 | 1.90 |
| LINCOLN | WA | 53043 | 1.90 |
| MASON | WA | 53045 | 1.90 |
| OKANOGAN | WA | 53047 | 1.75 |
| PACIFIC | WA | 53049 | 1.90 |
| PEND OREILLE | WA | 53051 | 1.90 |
| PIERCE | WA | 5303 | 1.90 |
| SAN JUAN | WA | 53055 | 1.90 |
| SKAGIT | WA | 53057 | 1.90 |
| SKAMANIA | WA | 53059 | 1.90 |
| SNOHOMISH | WA | 53061 | 1.90 |
| SPOKANE | WA | 53063 | 1.90 |
| STEVENS | WA | 53065 | 1.90 |
| THURSTON | WA | 53067 | 1.90 |
| WAHKIAKUM | WA | 53069 | 1.90 |
| WALLA WALLA | WA | 53071 | 1.75 |
| WHATCOM | WA | 53073 | 1.90 |
| WHITMAN | WA | 53075 | 1.90 |
| YAKIMA | WA | 53077 | 1.75 |
| ADAMS | WI | 55001 | 1.70 |
| ASHLAND | WI | 55003 | 1.70 |
| BARRON | WI | 55005 | 1.70 |
| BAYFIELD | WI | 55007 | 1.70 |
| BROWN | WI | 55009 | 1.75 |
| BUFFALO | WI | 55011 | 1.70 |
| BURNETT | WI | 55013 | 1.70 |
| CALUMET | WI | 55015 | 1.75 |
| CHIPPEWA | WI | 55017 | 1.70 |
| CLARK | WI | 55019 | 1.70 |
| COLUMBIA | WI | 55021 | 1.75 |
| CRAWFORD | WI | 55023 | 1.75 |
| DANE | WI | 55025 | 1.75 |
| DODGE | WI | 55027 | 1.75 |
| DOOR | WI | 55029 | 1.75 |
| DOUGLAS | WI | 55031 | 1.70 |
| DUNN | WI | 55033 | 1.70 |
| EAU CLAIRE | WI | 55035 | 1.70 |
| FLORENCE | WI | 55037 | 1.70 |
| FOND DU LAC | WI | 55039 | 1.75 |
| FOREST | WI | 55041 | 1.70 |
| GRANT | WI | 55043 | 1.75 |
| GREEN | WI | 55045 | 1.75 |
| GREEN LAKE | WI | 55047 | 1.70 |
| IOWA | WI | 55049 | 1.75 |
| IRON | WI | 55051 | 1.70 |
| JACKSON | WI | 55053 | 1.70 |
| JEFFERSON | WI | 55055 | 1.75 |
| JUNEAU | WI | 55057 | 1.70 |
| KENOSHA | WI | 55059 | 1.75 |
| KEWAUNEE | WI | 55061 | 1.75 |
| LA CROSSE | WI | 55063 | 1.70 |
| LAFAYETTE | WI | 55065 | 1.75 |
| LANGLADE | WI | 55067 | 1.70 |
| LINCOLN | WI | 55069 | 1.70 |
| MANITOWOC | WI | 55071 | 1.75 |
| MARATHON | WI | 55073 | 1.70 |
| MARINETTE | WI | 55075 | 1.70 |
| MARQUETTE | WI | 55077 | 1.70 |
| MENOMINEE | WI | 55078 | 1.70 |
| MILWAUKEE | WI | 55079 | 1.75 |
| MONROE | WI | 55081 | 1.70 |
| OCONTO | WI | 55083 | 1.70 |
| ONEIDA | WI | 55085 | 1.70 |
| OUTAGAMIE | WI | 55087 | 1.75 |
| OZAUKEE | WI | 55089 | 1.75 |
| PEPIN | WI | 55091 | 1.70 |
| PIERCE | WI | 55093 | 1.70 |
| POLK | WI | 55095 | 1.70 |
| PORTAGE | WI | 55097 | 1.70 |
| PRICE | WI | 55099 | 1.70 |
| RACINE | WI | 55101 | 1.75 |
| RICHLAND | WI | 55103 | 1.75 |
| ROCK | WI | 55105 | 1.75 |
| RUSK | WI | 55107 | 1.70 |
| SAUK | WI | 55111 | 1.75 |
| SAWYER | WI | 55113 | 1.70 |
| SHAWANO | WI | 55115 | 1.70 |
| SHEBOYGAN | WI | 55117 | 1.75 |
| ST. CROIX | WI | 55109 | 1.70 |
| TAYLOR | WI | 55119 | 1.70 |
| TREMPEALEAU | WI | 55121 | 1.70 |
| VERNON | WI | 55123 | 1.75 |
| VILAS | WI | 55125 | 1.70 |
| WALWORTH | WI | 55127 | 1.75 |
| WASHBURN | WI | 55129 | 1.70 |
| WASHINGTON | WI | 55131 | 1.75 |
| WAUKESHA | WI | 55133 | 1.75 |
| WAUPACA | WI | 55135 | 1.75 |
| WAUSHARA | WI | 55137 | 1.70 |
| WINNEBAGO | WI | 55139 | 1.75 |
| WOOD | WI | 55141 | 1.70 |
| BARBOUR | WV | 54001 | 2.30 |
| BERKELEY | WV | 54003 | 2.60 |
| BOONE | WV | 54005 | 2.20 |
| BRAXTON | WV | 54007 | 2.20 |

| County/parish/city | State | FIPS code | Class I differential adjusted for location |
|---|---|---|---|
| BROOKE | WV ... | 54009 | 2.10 |
| CABELL | WV ... | 54011 | 2.20 |
| CALHOUN | WV ... | 54013 | 2.20 |
| CLAY | WV ... | 54015 | 2.20 |
| DODDRIDGE | WV ... | 54017 | 2.10 |
| FAYETTE | WV ... | 54019 | 2.20 |
| GILMER | WV ... | 54021 | 2.20 |
| GRANT | WV ... | 54023 | 2.60 |
| GREENBRIER | WV ... | 54025 | 2.20 |
| HAMPSHIRE | WV ... | 54027 | 2.60 |
| HANCOCK | WV ... | 54029 | 2.10 |
| HARDY | WV ... | 54031 | 2.60 |
| HARRISON | WV ... | 54033 | 2.10 |
| JACKSON | WV ... | 54035 | 2.20 |
| JEFFERSON | WV ... | 54037 | 2.60 |
| KANAWHA | WV ... | 54039 | 2.20 |
| LEWIS | WV ... | 54041 | 2.10 |
| LINCOLN | WV ... | 54043 | 2.20 |
| LOGAN | WV ... | 54045 | 2.20 |
| MARION | WV ... | 54049 | 2.10 |
| MARSHALL | WV ... | 54051 | 2.10 |
| MASON | WV ... | 54053 | 2.20 |
| MCDOWELL | WV ... | 54047 | 2.80 |
| MERCER | WV ... | 54055 | 2.80 |
| MINERAL | WV ... | 54057 | 2.60 |
| MINGO | WV ... | 54059 | 2.20 |
| MONONGALIA | WV ... | 54061 | 2.10 |
| MONROE | WV ... | 54063 | 2.20 |
| MORGAN | WV ... | 54065 | 2.60 |
| NICHOLAS | WV ... | 54067 | 2.20 |
| OHIO | WV ... | 54069 | 2.10 |
| PENDLETON | WV ... | 54071 | 2.60 |
| PLEASANTS | WV ... | 54073 | 2.20 |
| POCAHONTAS | WV ... | 54075 | 2.20 |
| PRESTON | WV ... | 54077 | 2.30 |
| PUTNAM | WV ... | 54079 | 2.20 |
| RALEIGH | WV ... | 54081 | 2.20 |
| RANDOLPH | WV ... | 54083 | 2.30 |
| RITCHIE | WV ... | 54085 | 2.20 |
| ROANE | WV ... | 54087 | 2.20 |
| SUMMERS | WV ... | 54089 | 2.20 |
| TAYLOR | WV ... | 54091 | 2.30 |
| TUCKER | WV ... | 54093 | 2.30 |
| TYLER | WV ... | 54095 | 2.10 |
| UPSHUR | WV ... | 54097 | 2.30 |
| WAYNE | WV ... | 54099 | 2.20 |
| WEBSTER | WV ... | 54101 | 2.20 |
| WETZEL | WV ... | 54103 | 2.10 |
| WIRT | WV ... | 54105 | 2.20 |
| WOOD | WV ... | 54107 | 2.20 |
| WYOMING | WV ... | 54109 | 2.20 |
| ALBANY | WY ... | 56001 | 1.90 |
| BIG HORN | WY ... | 56003 | 1.60 |
| CAMPBELL | WY ... | 56005 | 1.65 |
| CARBON | WY ... | 56007 | 1.90 |
| CONVERSE | WY ... | 56009 | 1.70 |
| CROOK | WY ... | 56011 | 1.65 |
| FREMONT | WY ... | 56013 | 1.60 |
| GOSHEN | WY ... | 56015 | 1.90 |
| HOT SPRINGS | WY ... | 56017 | 1.60 |
| JOHNSON | WY ... | 56019 | 1.65 |
| LARAMIE | WY ... | 56021 | 2.45 |
| LINCOLN | WY ... | 56023 | 1.60 |
| NATRONA | WY ... | 56025 | 1.70 |
| NIOBRARA | WY ... | 56027 | 1.70 |
| PARK | WY ... | 56029 | 1.60 |
| PLATTE | WY ... | 56031 | 1.90 |
| SHERIDAN | WY ... | 56033 | 1.60 |
| SUBLETTE | WY ... | 56035 | 1.60 |
| SWEETWATER | WY ... | 56037 | 1.90 |
| TETON | WY ... | 56039 | 1.60 |
| UINTA | WY ... | 56041 | 1.90 |
| WASHAKIE | WY ... | 56043 | 1.60 |
| WESTON | WY ... | 56045 | 1.70 |

[64 FR 70869, Dec. 17, 1999; 64 FR 73386, Dec. 30, 1999, as amended at 68 FR 48771, Aug. 15, 2003]

### § 1000.53 Announcement of class prices, component prices, and advanced pricing factors.

(a) On or before the 5th day of the month, the market administrator for each Federal milk marketing order shall announce the following prices (as applicable to that order) for the preceding month:

(1) The Class II price;

(2) The Class II butterfat price;

(3) The Class III price;

(4) The Class III skim milk price;

(5) The Class IV price;

(6) The Class IV skim milk price;

(7) The butterfat price;

(8) The nonfat solids price;

(9) The protein price;

(10) The other solids price; and

(11) The somatic cell adjustment rate.

(b) On or before the 23rd day of the month, the market administrator for each Federal milk marketing order shall announce the following prices and pricing factors for the following month:

(1) The Class I price;

(2) The Class I skim milk price;

(3) The Class I butterfat price;

(4) The Class II skim milk price;

(5) The Class II nonfat solids price; and

(6) The advanced pricing factors described in § 1000.50(q).

### § 1000.54 Equivalent price.

If for any reason a price or pricing constituent required for computing the prices described in § 1000.50 is not available, the market administrator shall use a price or pricing constituent determined by the Deputy Administrator, Dairy Programs, Agricultural Marketing Service, to be equivalent to the price or pricing constituent that is required.

## Subpart H—Payments for Milk

### § 1000.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which the market administrator shall deposit all payments made by handlers pursuant to §§_____.71, _____.76, and _____.77 of each Federal milk order and out of which the market administrator shall make all payments pursuant to §§_____.72 and _____.77 of each Federal milk order. Payments due any handler shall be offset by any payments due from that handler.

### § 1000.76 Payments by a handler operating a partially regulated distributing plant.

On or before the 25th day after the end of the month (except as provided in § 1000.90), the operator of a partially regulated distributing plant, other than a plant that is subject to marketwide pooling of producer returns under a State government's milk classification and pricing program, shall pay to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section or, if the handler submits the information specified in §§_____.30(b) and _____.31(b) of the order, the handler may elect to pay the amount computed pursuant to paragraph (b) of this section. A partially regulated distributing plant that is subject to marketwide pooling of producer returns under a State government's milk classification and pricing program shall pay the amount computed pursuant to paragraph (c) of this section.

(a) The payment under this paragraph shall be an amount resulting from the following computations:

(1) From the plant's route disposition in the marketing area:

(i) Subtract receipts of fluid milk products classified as Class I milk from pool plants, plants fully regulated under other Federal orders, and handlers described in § 1000.9(c) and § 1135.11 of this chapter, except those receipts subtracted under a similar provision of another Federal milk order;

(ii) Subtract receipts of fluid milk products from another nonpool plant that is not a plant fully regulated under another Federal order to the extent that an equivalent amount of fluid milk products disposed of to the nonpool plant by handlers fully regulated under any Federal order is classified and priced as Class I milk and is not used as an offset for any payment obligation under any order; and

(iii) Subtract the pounds of reconstituted milk made from nonfluid milk products which are disposed of as route disposition in the marketing area;

(2) For orders with multiple component pricing, compute a Class I differential price by subtracting Class III price from the current month's Class I price. Multiply the pounds remaining after the computation in paragraph (a)(1)(iii) of this section by the amount by which the Class I differential price exceeds the producer price differential, both prices to be applicable at the location of the partially regulated distributing plant except that neither the adjusted Class I differential price nor the adjusted producer price differential shall be less than zero;

(3) For orders with skim milk and butterfat pricing, multiply the remaining pounds by the amount by which the Class I price exceeds the uniform price, both prices to be applicable at the location of the partially regulated distributing plant except that neither the adjusted Class I price nor the adjusted uniform price differential shall be less than the lowest announced class price; and

(4) Unless the payment option described in paragraph (d) is selected, add the amount obtained from multiplying the pounds of labeled reconstituted milk included in paragraph (a)(1)(iii) of this section by any positive difference between the Class I price applicable at the location of the partially regulated distributing plant (less $1.00 if the reconstituted milk is labeled as such) and the Class IV price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to §_____.60 of the order for the partially regulated distributing plant if

the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the plant from a pool plant, a plant fully regulated under another Federal order, and handlers described in §1000.9(c) and §1135.11 of this chapter shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or a plant fully regulated under another Federal order shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from the pool plant and plants fully regulated under other Federal orders that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are in Class I and for which a value is computed pursuant to §_____.60 of the order for the partially regulated distributing plant shall be priced at the statistical uniform price or uniform price, whichever is applicable, of the respective order regulating the handling of milk at the receiving plant, with such statistical uniform price or uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest announced class price of the respective order); and

(iii) If the operator of the partially regulated distributing plant so requests, the handler's value of milk determined pursuant to §_____.60 of the order shall include a value of milk determined for each nonpool plant that is not a plant fully regulated under another Federal order which serves as a supply plant for the partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of §_____. 7(c) of the order subject to the following conditions:

(A) The operator of the partially regulated distributing plant submits with its reports filed pursuant to §§_____.30(b) and _____.31(b) of the order similar reports for each such nonpool supply plant;

(B) The operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at the plant which are made available if requested by the market administrator for verification purposes; and

(C) The value of milk determined pursuant to §_____.60 for the unregulated supply plant shall be determined in the same manner prescribed for computing the obligation of the partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments that were made for milk that would have been producer milk had the plant been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of the nonpool supply plant for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another Federal order under which the plant is also a partially regulated distributing plant and, if paragraph (b)(1)(iii) of this section applies, payments made by the operator of the nonpool supply plant to the producer-settlement fund of any order.

(c) The operator of a partially regulated distributing plant that is subject to marketwide pooling of returns under a milk classification and pricing program that is imposed under the authority of a State government shall pay on or before the 25th day after the end of the month (except as provided in §1000.90) to the market administrator for the producer-settlement fund an amount computed as follows:

After completing the computations described in paragraphs (a)(1)(i) and (ii) of this section, determine the value of the remaining pounds of fluid milk

products disposed of as route disposition in the marketing area by multiplying the hundredweight of such pounds by the amount, if greater than zero, that remains after subtracting the State program's class prices applicable to such products at the plant's location from the Federal order Class I price applicable at the location of the plant.

(d) Any handler may elect partially regulated distributing plant status for any plant with respect to receipts of nonfluid milk ingredients that are reconstituted for fluid use. Payments may be made to the producer-settlement fund of the order regulating the producer milk used to produce the nonfluid milk ingredients at the positive difference between the Class I price applicable under the other order at the location of the plant where the nonfluid milk ingredients were processed and the Class IV price. This payment option shall apply only if a majority of the total milk received at the plant that processed the nonfluid milk ingredients is regulated under one or more Federal orders and payment may only be made to the producer-settlement fund of the order pricing a plurality of the milk used to produce the nonfluid milk ingredients. This payment option shall not apply if the source of the nonfluid ingredients used in reconstituted fluid milk products cannot be determined by the market administrator.

### § 1000.77 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts, or other verification discloses errors resulting 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 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 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.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1001.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1001. In this part 1001, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1001.2 Northeast marketing area.

The marketing area means all the territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

CONNECTICUT, DELAWARE, MASSACHUSETTS, NEW HAMPSHIRE, NEW JERSEY, RHODE ISLAND, VERMONT AND DISTRICT OF COLUMBIA

All of the States of Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont and the District of Columbia.

MARYLAND COUNTIES

All of the State of Maryland except the counties of Allegany and Garrett.

NEW YORK COUNTIES, CITIES, AND TOWNSHIPS

All counties within the State of New York except Allegany, Cattaraugus, Chatauqua, Erie, Genessee, Livingston, Monroe, Niagara, Ontario, Orleans, Seneca, Wayne, and Wyoming; the townships of Conquest, Montezuma, Sterling and Victory in Cayuga County; the city of Hornell, and the townships of Avoca, Bath, Bradford, Canisteo, Cohocton, Dansville, Fremont, Pulteney, Hartsville, Hornellsville, Howard, Prattsburg, Urbana, Wayland, Wayne and Wheeler in Steuben County; and the townships of Italy, Middlesex, and Potter in Yates County.

PENNSYLVANIA COUNTIES

Adams, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Fulton, Juniata, Lancaster, Lebanon, Montgomery, Perry, Philadelphia, and York.

VIRGINIA COUNTIES AND CITIES

Arlington, Fairfax, Loudoun, and Prince William, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park.

### § 1001.3 Route disposition.

See § 1000.3.

**§ 1001.4 Plant.**

(a) Except as provided in paragraph (b) of this section, plant means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products are received, processed, or packaged, including a facility described in paragraph (b)(2) of this section if the facility receives the milk of more than one dairy farmer.

(b) Plant shall not include:

(1) A separate building without stationary storage tanks that is used only as a reload point for transferring bulk milk from one tank truck to another or a separate building used only as a distribution point for storing packaged fluid milk products in transit for route disposition;

(2) An on-farm facility operated as part of a single dairy farm entity for the separation of cream and skim milk or the removal of water from milk; or

(3) Bulk reload points where milk is transferred from one tank truck to another while en route from dairy farmers' farms to a plant. If stationary storage tanks are used for transferring milk at the premises, the operator of the facility shall make an advance written request to the market administrator that the facility shall be treated as a reload point. The cooling of milk, collection of samples, and washing and sanitizing of tank trucks at the premises shall not disqualify it as a bulk reload point.

**§ 1001.5 Distributing plant.**

See § 1000.5.

**§ 1001.6 Supply plant.**

See § 1000.6.

**§ 1001.7 Pool plant.**

*Pool plant* means a plant, unit of plants, or system of plants as specified in paragraphs (a) through (f) of this section, but excluding a plant described in paragraph (h) of this section. The pooling standards described in paragraphs (c) and (f) of this section are subject to modification pursuant to paragraph (g) of this section.

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or § _____.7(b) of any other Federal milk order, from which during the month 25 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 25 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which fluid milk products are transferred or diverted to plants described in paragraph (a) or (b) of this section subject to the additional conditions described in this paragraph. In the case of a supply plant operated by a cooperative association handler described in § 1000.9(c), fluid milk products that the cooperative delivers to pool plants directly from producers' farms shall be treated as if transferred from the cooperative association's plant for the purpose of meeting the shipping requirements of this paragraph.

(1) In each of the months of January through August and December, such shipments and transfers to distributing plants must not equal less than 10 percent of the total quantity of milk (except the milk of a producer described in § 1001.12(b)) that is received at the plant or diverted from it pursuant to § 1001.13 during the month;

(2) In each of the months of September through November, such shipments and transfers to distributing plants must equal not less than 20 percent of the total quantity of milk (except the milk of a producer described in § 1001.12(b)) that is received at the plant or diverted from it pursuant to § 1001.13 during the month;

(3) If milk is delivered directly from producers' farms that are located outside of the states included in the marketing area or outside Maine or West Virginia, such producers must be grouped by state into reporting units and each reporting unit must independently meet the shipping requirements of this paragraph; and

(4) Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the percentages in paragraphs (c)(1) and (2) of this section.

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

(1) 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 exclusions:

(i) The plant is described in §1001.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1001.10 with less than three million pounds during the month of route dispositions and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

(e) Two or more plants that are located in the marketing area and operated by the same handler may qualify as a unit by meeting the total and in-area route distribution requirements specified in paragraph (a) of this section subject to the following additional requirements:

(1) At least one of the plants in the unit qualifies as a pool distributing plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process at least 60 percent of monthly receipts of producer milk only as Class I or Class II products and must be located in the Northeast marketing area, as defined in §1001.2, in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant(s) included in the unit; and

(3) A written request to form a unit, or to add or remove plants from a unit, or to cancel a unit, must be filed with the market administrator prior to the first day of the month for which unit formation is to be effective.

(f) Two or more supply plants operated by the same handler, or by one or more cooperative associations, may qualify for pooling as a system of plants by meeting the applicable percentage requirements of paragraph (c) of this section in the same manner as a single plant subject to the following additional requirements:

(1) A supply plant system will be effective for the period of August 1 through July 31 of the following year. Written notification must be given to the market administrator listing the plants to be included in the system prior to the first day of July preceding the effective date of the system. The plants included in the system shall be listed in the sequence in which they shall qualify for pool plant status based on the minimum deliveries required. If the deliveries made are insufficient to qualify the entire system for pooling, the last listed plant shall be excluded from the system, followed by the plant next-to-last on the list, and continuing in this sequence until remaining listed plants have met the minimum shipping requirements; and

(2) Each plant that qualifies as a pool plant within a system shall continue each month as a plant in the system through the following July unless the plant subsequently fails to qualify for

pooling, the handler submits a written notification to the market administrator prior to the first day of the month that the plant be deleted from the system, or that the system be discontinued. Any plant that has been so deleted from the system, or that has failed to qualify as a pool plant in any month, will not be part of the system for the remaining months through July. For any system that qualifies in August, no plant may be added in any subsequent month through the following July unless the plant replaces another plant in the system that has ceased operations and the market administrator is notified of such replacement prior to the first day of the month for which it is to be effective.

(g) The applicable shipping percentages of paragraphs (c) and (f) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in § 1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section that is located within the marketing area if the plant also meets the pooling requirements of another Federal order and more than 50 percent of its route distribution has been in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant qualified pursuant to paragraph (a) of this section that is located in another Federal order marketing area if the plant meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area; and

(6) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order.

[64 FR 47954, Sept. 1, 1999, as amended at 70 FR 18962, Apr. 12, 2005; 71 FR 25497, May 1, 2006; 71 FR 28249, May 16, 2006]

### § 1001.8 Nonpool plant.

See § 1000.8.

### § 1001.9 Handler.

See § 1000.9.

### § 1001.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives milk solely from own farm production or receives milk that is fully subject to the pricing and pooling provisions of this or any other Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products

from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47954, Sept. 1, 1999, as amended at 71 FR 25497, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1001.11 [Reserved]

### §1001.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1001.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include a dairy farmer described in paragraphs (b)(1) through (6) of this section. A dairy farmer described in paragraphs (b)(5) or (6) of this section shall be known as a *dairy farmer for other markets*.

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1001.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I;

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order;

(5) For any month of December through June, any dairy farmer whose milk is received at a pool plant or by a cooperative association handler described in §1000.9(c) if the pool plant operator or the cooperative association caused milk from the same farm to be delivered to any plant as other than producer milk, as defined under the order in this part or any other Federal milk order, during the same month, either of the 2 preceding months, or during any of the preceding months of July through November; and

(6) For any month of July through November, any dairy farmer whose milk is received at a pool plant or by a cooperative association handler described in §1000.9(c) if the pool plant operator or the cooperative association caused milk from the same farm to be delivered to any plant as other than producer milk, as defined under the order in this part or any other Federal milk order, during the same month.

**§ 1001.13 Producer milk.**

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk) and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or from a handler described in § 1000.9(c). Any milk which is picked up from the producer's farm in a tank truck under the control of the operator of a pool plant or a handler described in § 1000.9(c) but which is not received at a plant until the following month shall be considered as having been received by the handler during the month in which it is picked up at the farm. All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by the operator of a pool plant or a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants subject to the following conditions:

(1) The producers whose farms are outside of the states included in the marketing area and outside the states of Maine or West Virginia shall be organized into state units and each such unit shall be reported separately; and

(2) For pooling purposes, each reporting unit must satisfy the shipping standards specified for a supply plant pursuant to § 1001.7(c);

(c) Diverted by a proprietary pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or by a handler described in § 1000.9(c) to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless one day's milk production of such dairy farmer was physically received as producer milk and the dairy farmer has continuously retained producer status since that time. If a dairy farmer loses producer status under the order in this part (except as a result of a temporary loss of Grade A approval), the dairy farmer's milk shall not be eligible for diversion unless milk of the dairy farmer has been physically received as producer milk at a pool plant during the month;

(2) Of the total quantity of producer milk received during the month (including diversion but excluding the quantity of producer milk received from a handler described in § 1000.9(c) or which is diverted to another pool plant), the handler diverted to nonpool plants not more than 80 percent during each of the months of September through November and 90 percent during each of the months of January through August and December. In the event that a handler causes the milk of a producer to be over diverted, a dairy farmer will not lose producer status;

(3) Diverted milk shall be priced at the location of the plant to which diverted.

(4) Any milk diverted in excess of the limits set forth in paragraph (d)(2) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to designate the dairy farmer deliveries which are ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(5) The delivery day requirement and the diversion percentages in paragraphs (d)(1) and (d)(2) of this section may be increased or decreased by the Market Administrator if the Market Administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the Market Administrator shall investigate the need for the revision either on the Market Administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired to be effective. If the investigation shows that a revision might be appropriate, the Market Administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage or delivery day requirement must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a

marketwide equalization pool under a milk classification and pricing program imposed under the authority of another government entity.

[64 FR 47954, Sept. 1, 1999, as amended at 70 FR 18962, Apr. 12, 2005]

### § 1001.14 Other source milk.

See § 1000.14.

### § 1001.15 Fluid milk product.

See § 1000.15.

### § 1001.16 Fluid cream product.

See § 1000.16.

### § 1001.17 [Reserved]

### § 1001.18 Cooperative association.

See § 1000.18.

### § 1001.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

### § 1001.30 Reports of receipts and utilization.

Each handler shall report monthly so that the Market Administrator's office receives the report on or before the 10th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) Each pool plant operator shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, and pounds of nonfat solids other than protein (other solids) contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c); and

(ii) Receipts of milk from handlers described in § 1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, and other nonfat solids as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, and the pounds of solids-not-fat other than protein (other solids) contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraph (a) or (b) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

[64 FR 47954, Sept. 1, 1999, as amended at 70 FR 18963, Apr. 12, 2005]

### § 1001.31 Payroll reports.

(a) On or before the 22nd day after the end of each month, each handler that operates a pool plant pursuant to § 1001.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in § 1001.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

**§ 1001.32 Other reports.**

In addition to the reports required pursuant to §§ 1001.30 and 1001.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

**§ 1001.40 Classes of utilization.**

See § 1000.40.

**§ 1001.41 [Reserved]**

**§ 1001.42 Classification of transfers and diversions.**

See § 1000.42.

**§ 1001.43 General classification rules.**

See § 1000.43.

**§ 1001.44 Classification of producer milk.**

See § 1000.44.

**§ 1001.45 Market administrator's reports and announcements concerning classification.**

See § 1000.45.

CLASS PRICES

**§ 1001.50 Class prices, component prices, and advanced pricing factors.**

See § 1000.50.

**§ 1001.51 Class I differential and price.**

The Class I differential shall be the differential established for Suffolk County, Massachusetts, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1000.50(a) for Suffolk County, Massachusetts.

**§ 1001.52 Adjusted Class I differentials.**

See § 1000.52.

**§ 1001.53 Announcement of class prices, component prices, and advanced pricing factors.**

See § 1000.53.

**§ 1001.54 Equivalent price.**

See § 1000.54.

PRODUCER PRICE DIFFERENTIAL

**§ 1001.60 Handler's value of milk.**

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (h) of this section and subtracting from that total amount the value computed in paragraph (i) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in § 1000.44(a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Class I value. (1) Multiply the pounds of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) Class II value. (1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) Class III value. (1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) Class IV value. (1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding step of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(f) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(g) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(h) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(i) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

[64 FR 47954, Sept. 1, 1999, as amended at 65 FR 82834, Dec. 28, 2000; 68 FR 7065, Feb. 12, 2003]

### §1001.61 Computation of producer price differential.

For each month, the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1001.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions in this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1001.60 for all handlers required to file reports prescribed in §1001.30;

(b) Subtract the total of the values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for which an obligation was computed pursuant to §1001.60 by the protein price, other solids price, and the butterfat price, respectively;

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1001.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1001.60(h); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result, rounded to the nearest cent, shall be known as the producer price differential for the month.

[68 FR 7065, Feb. 12, 2003]

### § 1001.62 Announcement of producer prices.

On or before the 14th day after the end of the month, the Market Administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The average butterfat, protein, nonfat solids, and other solids content of producer milk; and

(g) The statistical uniform price for milk containing 3.5 percent butterfat computed by combining the Class III price and the producer price differential.

(h) If the 14th falls on a Saturday, Sunday, or national holiday, the Market Administrator may have up to two additional business days to announce the producer price differential and the statistical uniform price.

[64 FR 47954, Sept. 1, 1999, as amended at 65 FR 82834, Dec. 28, 2000; 68 FR 7065, Feb. 12, 2003; 70 FR 18963, Apr. 12, 2005]

## PAYMENTS FOR MILK

### § 1001.70 Producer-settlement fund.

See § 1000.70.

### § 1001.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the Market Administrator no later than two days after the announcement of the producer price differential and the statistical uniform price pursuant to § 1001.62 (except as provided for in § 1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to § 1001.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to § 1000.44(c) by the producer price differential as adjusted pursuant to § 1001.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices respectively; and

(3) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1001.60(h) by the producer price differential as adjusted pursuant to § 1001.75 for the location of the plant from which received.

[64 FR 47954, Sept. 1, 1999, as amended at 65 FR 82834, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003; 70 FR 18963, Apr. 12, 2005]

### § 1001.72 Payments from the producer—settlement fund.

No later than the day after the due date required for payment to the Market Administrator pursuant to § 1001.71 (except as provided in § 1001.90), the Market Administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1001.71(b) exceeds the amount computed pursuant to § 1001.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the Market Administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

[70 FR 18963, Apr. 12, 2005]

### § 1001.73 Payments to producers and to cooperative associations.

(a) Each handler that is not paying a cooperative association for producer milk shall pay each producer as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 23rd day of the month, payment shall be made so that it is received by

the producer on or before the 26th day of the month (except as provided in §1000.90) for milk received during the first 15 days of the month at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made during the following month so it is received by each producer no later than the day after the required date of payment by the Market Administrator, pursuant to §1001.72, in an amount computed as follows:

(i) Multiply the hundredweight of producer milk received by the producer price differential for the month as adjusted pursuant to §1001.75;

(ii) Multiply the pounds of butterfat received by the butterfat price for the month;

(iii) Multiply the pounds of protein received by the protein price for the month;

(iv) Multiply the pounds of other solids received by the other solids price for the month; and

(v) Add the amounts computed in paragraphs (a)(2)(i) through (iv) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to §1000.86;

(C) Add or subtract for errors made in previous payments to the producer; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) One day before partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by the lowest announced class price for the preceding month.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk milk/skimmed milk products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* Following the classification of bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment for such receipts shall be determined as follows:

(i) Multiply the hundredweight of Class I skim milk by the Class I skim milk price for the month at the receiving plant;

(ii) Multiply the pounds of Class I butterfat by the Class I butterfat price for the month at the receiving plant;

(iii) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iv) Multiply the pounds of butterfat in Class II times the Class II butterfat price;

(v) Multiply the pounds of nonfat solids in Class IV milk by the nonfat solids price for the month;

(vi) Multiply the pounds of butterfat in Class III and Class IV milk by the butterfat price for the month;

(vii) Multiply the pounds of protein in Class III milk by the protein price for the month;

(viii) Multiply the pounds of other solids in Class III milk by the other solids price for the month; and

(ix) Add together the amounts computed in paragraphs (b)(3)(i) through (viii) of this section and from that sum deduct any payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association

during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1001.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each handler shall furnish each producer (except for a producer whose milk was received from a cooperative association handler described in §1000.9(a) or 9(c)), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47954, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000; 65 FR 82835, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003; 70 FR 18963, Apr. 12, 2005]

### §1001.74 [Reserved]

### §1001.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1001.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1001.73 and 1000.76.

### §1001.76 Payments by a handler operating a partially regulated distributing plant.

See §1000.76.

### §1001.77 Adjustment of accounts.

See §1000.77.

### §1001.78 Charges on overdue accounts.

See §1000.78.

## Administrative Assessment and Marketing Service Deduction

### §1001.85 Assessment for order administration.

See §1000.85.

### §1001.86 Deduction for marketing services.

See §1000.86.

## PARTS 1002–1004 [RESERVED]

# PART 1005—MILK IN THE APPALACHIAN MARKETING AREA

### Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1005.1 General provisions.

DEFINITIONS

1005.2 Appalachian marketing area.
1005.3 Route disposition.
1005.4 Plant.
1005.5 Distributing plant.
1005.6 Supply plant.
1005.7 Pool plant.
1005.8 Nonpool plant.
1005.9 Handler.
1005.10 Producer-handler.
1005.11 [Reserved]
1005.12 Producer.
1005.13 Producer milk.
1005.14 Other source milk.
1005.15 Fluid milk product.
1005.16 Fluid cream product.
1005.17 [Reserved]
1005.18 Cooperative association.
1005.19 Commercial food processing establishment.

HANDLER REPORTS

1005.30 Reports of receipts and utilization.
1005.31 Payroll reports.
1005.32 Other reports.

CLASSIFICATION OF MILK

1005.40 Classes of utilization.
1005.41 [Reserved]
1005.42 Classification of transfers and diversions.
1005.43 General classification rules.
1005.44 Classification of producer milk.
1005.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1005.50 Class prices, component prices, and advanced pricing factors.
1005.51 Class I differential, adjustments to Class I prices, and Class I price.
1005.52 Adjusted Class I differentials.
1005.53 Announcement of class prices, component prices, and advanced pricing factors.
1005.54 Equivalent price.

UNIFORM PRICES

1005.60 Handler's value of milk.
1005.61 Computation of uniform prices.
1005.62 Announcement of uniform prices.

PAYMENTS FOR MILK

1005.70 Producer-settlement fund.
1005.71 Payments to the producer-settlement fund.
1005.72 Payments from the producer-settlement fund.
1005.73 Payments to producers and to cooperative associations.
1005.74 [Reserved]
1005.75 Plant location adjustments for producer milk and nonpool milk.
1005.76 Payments by a handler operating a partially regulated distributing plant.
1005.77 Adjustment of accounts.
1005.78 Charges on overdue accounts.

MARKETWIDE SERVICE PAYMENTS

1005.80 Transportation credit balancing fund.
1005.81 Payments to the transportation credit balancing fund.
1005.82 Payments from the transportation credit balancing fund.
1005.83 Mileage rate for the transportation credit balancing fund.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1005.85 Assessment for order administration.
1005.86 Deduction for marketing services.

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

SOURCE: 64 FR 47960, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1005.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1005. In this part 1005, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1005.2 Appalachian marketing area.

The marketing area means all the territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is

within any of the listed states or political subdivisions:

GEORGIA COUNTIES

Catoosa, Chattooga, Dade, Fannin, Murray, Walker, and Whitfield.

INDIANA COUNTIES

Clark, Crawford, Daviess, Dubois, Floyd, Gibson, Greene, Harrison, Knox, Martin, Orange, Perry, Pike, Posey, Scott, Spencer, Sullivan, Vanderburgh, Warrick, and Washington.

KENTUCKY COUNTIES

Adair, Anderson, Bath, Bell, Bourbon, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Carroll, Carter, Casey, Clark, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Franklin, Gallatin, Garrard, Grayson, Green, Hancock, Hardin, Harlan, Hart, Henderson, Henry, Hopkins, Jackson, Jefferson, Jessamine, Knott, Knox, Larue, Laurel, Lee, Leslie, Letcher, Lincoln, Madison, Marion, McCreary, McLean, Meade, Menifee, Mercer, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Owsley, Perry, Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Spencer, Taylor, Trimble, Union, Washington, Wayne, Webster, Whitley, Wolfe, and Woodford.

NORTH CAROLINA AND SOUTH CAROLINA

All of the States of North Carolina and South Carolina.

TENNESSEE COUNTIES

Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington.

VIRGINIA COUNTIES AND CITIES

Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Henry, Highland, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe; and the cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Harrisonburg, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, Staunton, and Waynesboro.

WEST VIRGINIA COUNTIES

McDowell and Mercer.

[64 FR 47960, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005]

### § 1005.3 Route disposition.

See § 1000.3.

### § 1005.4 Plant.

See § 1000.4.

### § 1005.5 Distributing plant.

See § 1000.5.

### § 1005.6 Supply plant.

See § 1000.6.

### § 1005.7 Pool plant.

*Pool plant* means a plant specified in paragraphs (a) through (d) of this section, a unit of plants as specified in paragraph (e) of this section, or a plant specified in paragraph (g) of this section but excluding a plant specified in paragraph (h) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 50 percent or more of the fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 50 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 50 percent or more of the total quantity of milk that is physically received during

the month from dairy farmers and handlers described in §1000.9(c), including milk that is diverted from the plant, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area or in the State of Virginia that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month at least 60 percent of the producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other than Class I) from the cooperative's plant.

(e) Two or more plants operated by the same handler and that are located within the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements specified in paragraph (a) of this section and the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process only Class I or Class II products and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit, or to add or remove plants from a unit, must be filed with the market administrator prior to the first day of the month for which it is to be effective.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the date for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(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:

(1) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(2) A producer-handler described in §1005.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in § 1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area, meets the pooling requirements of another Federal order, and has had greater route disposition in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is located in another Federal order marketing area, meets the pooling standards of the other Federal order, and has not had a majority of its route disposition in this marketing area for 3 consecutive months or is locked into pool status under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(5) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under such other order than are made to plants regulated under the order in this part, or such plant has automatic pooling status under such other order; and

(6) That portion of a pool plant designated as a ''nonpool plant'' that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a regulated plant as a nonpool plant must be requested in writing by the handler and must be approved by the market administrator.

[64 FR 47960, Sept. 1, 1999, as amended at 71 FR 25497, May 1, 2006; 71 FR 28249, May 16, 2006]

### § 1005.8 Nonpool plant.

See § 1000.8.

### § 1005.9 Handler.

See § 1000.9.

### § 1005.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives no fluid milk products, and acquires no fluid milk products for route disposition, from sources other than own farm production;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled, and the processing and packaging operations are the producer-handler's own enterprise and are operated at the producer-handler's own risk.

(e) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in § 1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to § 1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in § 1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in § 1131.7 of this chapter or § 1000.76(a).

[64 FR 47960, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### § 1005.11 [Reserved]

### § 1005.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1005.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1005.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1005.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent of components of skim milk) and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in §1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in §1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a handler described in §1000.9(c) to a nonpool plant, subject to the following conditions:

(1) In any month of July through December, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month, excluding the total pounds of bulk milk received directly from producers meeting the conditions as described in §1005.82(c)(2)(ii) and (iii), and for which a transportation credit is requested;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to §1005.7(d)) during the month, excluding the quantity of producer milk received from handler described in §1000.9(c) and excluding the total pounds of bulk milk received directly from producers meeting the conditions as described in §1005.82 (c)(2)(ii) and (iii), and for which a transportation credit is requested.

(5) Any milk diverted in excess of the limits prescribed in paragraphs (d)(3) and (4) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that will not be producer milk, no milk diverted by the handler or cooperative association shall be producer milk;

(6) Diverted milk shall be priced at the location of the plant to which diverted; and

(7) The delivery day requirements and the diversion percentages in paragraphs (d)(1) through (4) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

[64 FR 47960, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62378; Oct. 25, 2006; 73 FR 14156, Mar. 17, 2008; 73 FR 26315, May 9, 2008]

### § 1005.14 Other source milk.

See § 1000.14.

### § 1005.15 Fluid milk product.

See § 1000.15.

### § 1005.16 Fluid cream product.

See § 1000.16.

### § 1005.17 [Reserved]

### § 1005.18 Cooperative association.

See § 1000.18.

### § 1005.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

### § 1005.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Receipts of bulk milk from a plant regulated under another Federal order, except Federal Order 1007, for which a transportation credit is requested pursuant to § 1005.82;

(6) Receipts of producer milk described in § 1005.82(c)(2), including the identity of the individual producers whose milk is eligible for the transportation credit pursuant to that paragraph and the date that such milk was received;

(7) For handlers submitting transportation credit requests, transfers of bulk milk to nonpool plants, including the dates that such milk was transferred;

(8) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(9) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in §1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to milk for which a cooperative association is requesting a transportation credit pursuant to §1005.82, all of the information required in paragraphs (a)(5), (a)(6), and (a)(7) of this section.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### §1005.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to §1005.7 and each handler described in §1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in §1005.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### §1005.32 Other reports.

(a) On or before the 20th day after the end of each month, each handler described in §1000.9(a) and (c) shall report to the market administrator any adjustments to transportation credit requests as reported pursuant to §1005.30(a)(5), (6), and (7).

(b) In addition to the reports required pursuant to §§1005.30, 1005.31, and 1005.32(a), each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## CLASSIFICATION OF MILK

### §1005.40 Classes of utilization.

See §1000.40.

### §1005.41 [Reserved]

### §1005.42 Classification of transfers and diversions.

See §1000.42.

### §1005.43 General classification rules.

See §1000.43.

### §1005.44 Classification of producer milk.

See §1000.44.

### §1005.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

## CLASS PRICES

### §1005.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

### §1005.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Mecklenburg County, North Carolina, which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1005.50(a) for Mecklenburg County, North Carolina.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to §1000.50(a), (b) and (c) using the following adjustments:

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| GA | CATOOSA | 13047 | 0.60 |
| GA | CHATTOOGA | 13055 | 0.60 |
| GA | DADE | 13083 | 0.60 |
| GA | FANNIN | 13111 | 0.60 |
| GA | MURRAY | 13213 | 0.60 |
| GA | WALKER | 13295 | 0.60 |
| GA | WHITFIELD | 13313 | 0.60 |

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| IN | CLARK | 18019 | 0.10 |
| IN | CRAWFORD | 18025 | 0.10 |
| IN | DAVIESS | 18027 | 0.10 |
| IN | DUBOIS | 18037 | 0.10 |
| IN | FLOYD | 18043 | 0.10 |
| IN | GIBSON | 18051 | 0.10 |
| IN | GREENE | 18055 | 0.10 |
| IN | HARRISON | 18061 | 0.10 |
| IN | KNOX | 18083 | 0.10 |
| IN | MARTIN | 18101 | 0.10 |
| IN | ORANGE | 18117 | 0.10 |
| IN | PERRY | 18123 | 0.10 |
| IN | PIKE | 18125 | 0.10 |
| IN | POSEY | 18129 | 0.10 |
| IN | SCOTT | 18143 | 0.10 |
| IN | SPENCER | 18147 | 0.10 |
| IN | SULLIVAN | 18153 | 0.10 |
| IN | VANDERBURGH | 18163 | 0.10 |
| IN | WARRICK | 18173 | 0.10 |
| IN | WASHINGTON | 18175 | 0.10 |
| KY | ADAIR | 21001 | 0.20 |
| KY | ANDERSON | 21005 | 0.40 |
| KY | BATH | 21011 | 0.40 |
| KY | BELL | 21013 | 0.50 |
| KY | BOURBON | 21017 | 0.40 |
| KY | BOYLE | 21021 | 0.40 |
| KY | BREATHITT | 21025 | 0.70 |
| KY | BRECKINRIDGE | 21027 | 0.10 |
| KY | BULLITT | 21029 | 0.10 |
| KY | BUTLER | 21031 | 0.20 |
| KY | CARROLL | 21041 | 0.10 |
| KY | CARTER | 21043 | 0.40 |
| KY | CASEY | 21045 | 0.20 |
| KY | CLARK | 21049 | 0.40 |
| KY | CLAY | 21051 | 0.50 |
| KY | CLINTON | 21053 | 0.50 |
| KY | CUMBERLAND | 21057 | 0.50 |
| KY | DAVIESS | 21059 | 0.10 |
| KY | EDMONSON | 21061 | 0.20 |
| KY | ELLIOTT | 21063 | 0.40 |
| KY | ESTILL | 21065 | 0.40 |
| KY | FAYETTE | 21067 | 0.40 |
| KY | FLEMING | 21069 | 0.40 |
| KY | FRANKLIN | 21073 | 0.10 |
| KY | GALLATIN | 21077 | 0.10 |
| KY | GARRARD | 21079 | 0.40 |
| KY | GRAYSON | 21085 | 0.20 |
| KY | GREEN | 21087 | 0.20 |
| KY | HANCOCK | 21091 | 0.10 |
| KY | HARDIN | 21093 | 0.10 |
| KY | HARLAN | 21095 | 0.50 |
| KY | HART | 21099 | 0.20 |
| KY | HENDERSON | 21101 | 0.10 |
| KY | HENRY | 21103 | 0.10 |
| KY | HOPKINS | 21107 | 0.20 |
| KY | JACKSON | 21109 | 0.70 |
| KY | JEFFERSON | 21111 | 0.10 |
| KY | JESSAMINE | 21113 | 0.40 |
| KY | KNOTT | 21119 | 0.50 |
| KY | KNOX | 21121 | 0.50 |
| KY | LARUE | 21123 | 0.40 |
| KY | LAUREL | 21125 | 0.50 |
| KY | LEE | 21129 | 0.40 |
| KY | LESLIE | 21131 | 0.50 |
| KY | LETCHER | 21133 | 0.50 |
| KY | LINCOLN | 21137 | 0.40 |
| KY | MC CREARY | 21147 | 0.50 |
| KY | MC LEAN | 21149 | 0.40 |
| KY | MADISON | 21151 | 0.40 |
| KY | MARION | 21155 | 0.40 |
| KY | MEADE | 21163 | 0.10 |
| KY | MENIFEE | 21165 | 0.40 |
| KY | MERCER | 21167 | 0.40 |

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| KY | MONTGOMERY | 21173 | 0.40 |
| KY | MORGAN | 21175 | 0.40 |
| KY | MUHLENBURG | 21177 | 0.20 |
| KY | NELSON | 21179 | 0.10 |
| KY | NICHOLAS | 21181 | 0.40 |
| KY | OHIO | 21183 | 0.20 |
| KY | OLDHAM | 21185 | 0.10 |
| KY | OWEN | 21187 | 0.10 |
| KY | OWSLEY | 21189 | 0.70 |
| KY | PERRY | 21193 | 0.50 |
| KY | POWELL | 21197 | 0.40 |
| KY | PULASKI | 21199 | 0.50 |
| KY | ROCKCASTLE | 21203 | 0.70 |
| KY | ROWAN | 21205 | 0.40 |
| KY | RUSSELL | 21207 | 0.50 |
| KY | SCOTT | 21209 | 0.10 |
| KY | SHELBY | 21211 | 0.10 |
| KY | SPENCER | 21215 | 0.10 |
| KY | TAYLOR | 21217 | 0.20 |
| KY | TRIMBLE | 21223 | 0.10 |
| KY | UNION | 21225 | 0.10 |
| KY | WASHINGTON | 21229 | 0.40 |
| KY | WAYNE | 21231 | 0.50 |
| KY | WEBSTER | 21233 | 0.20 |
| KY | WHITLEY | 21235 | 0.50 |
| KY | WOLFE | 21237 | 0.40 |
| KY | WOODFORD | 21239 | 0.40 |
| NC | ALAMANCE | 37001 | 0.30 |
| NC | ALEXANDER | 37003 | 0.45 |
| NC | ALLEGHANY | 37005 | 0.45 |
| NC | ANSON | 37007 | 0.50 |
| NC | ASHE | 37009 | 0.45 |
| NC | AVERY | 37011 | 0.45 |
| NC | BEAUFORT | 37013 | 0.40 |
| NC | BERTIE | 37015 | 0.20 |
| NC | BLADEN | 37017 | 0.70 |
| NC | BRUNSWICK | 37019 | 0.70 |
| NC | BUNCOMBE | 37021 | 0.45 |
| NC | BURKE | 37023 | 0.45 |
| NC | CABARRUS | 37025 | 0.30 |
| NC | CALDWELL | 37027 | 0.45 |
| NC | CAMDEN | 37029 | 0.20 |
| NC | CARTERET | 37031 | 0.40 |
| NC | CASWELL | 37033 | 0.30 |
| NC | CATAWBA | 37035 | 0.30 |
| NC | CHATHAM | 37037 | 0.30 |
| NC | CHEROKEE | 37039 | 0.45 |
| NC | CHOWAN | 37041 | 0.20 |
| NC | CLAY | 37043 | 0.45 |
| NC | CLEVELAND | 37045 | 0.30 |
| NC | COLUMBUS | 37047 | 0.70 |
| NC | CRAVEN | 37049 | 0.40 |
| NC | CUMBERLAND | 37051 | 0.30 |
| NC | CURRITUCK | 37053 | 0.20 |
| NC | DARE | 37055 | 0.40 |
| NC | DAVIDSON | 37057 | 0.30 |
| NC | DAVIE | 37059 | 0.30 |
| NC | DUPLIN | 37061 | 0.30 |
| NC | DURHAM | 37063 | 0.30 |
| NC | EDGECOMBE | 37065 | 0.20 |
| NC | FORSYTH | 37067 | 0.30 |
| NC | FRANKLIN | 37069 | 0.30 |
| NC | GASTON | 37071 | 0.30 |
| NC | GATES | 37073 | 0.20 |
| NC | GRAHAM | 37075 | 0.45 |
| NC | GRANVILLE | 37077 | 0.30 |
| NC | GREENE | 37079 | 0.40 |
| NC | GUILFORD | 37081 | 0.30 |
| NC | HALIFAX | 37083 | 0.30 |
| NC | HARNETT | 37085 | 0.10 |
| NC | HAYWOOD | 37087 | 0.45 |
| NC | HENDERSON | 37089 | 0.45 |
| NC | HERTFORD | 37091 | 0.20 |

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| NC | HOKE | 37093 | 0.30 |
| NC | HYDE | 37095 | 0.40 |
| NC | IREDELL | 37097 | 0.30 |
| NC | JACKSON | 37099 | 0.45 |
| NC | JOHNSTON | 37101 | 0.20 |
| NC | JONES | 37103 | 0.40 |
| NC | LEE | 37105 | 0.30 |
| NC | LENOIR | 37107 | 0.40 |
| NC | LINCOLN | 37109 | 0.30 |
| NC | MC DOWELL | 37111 | 0.45 |
| NC | MACON | 37113 | 0.45 |
| NC | MADISON | 37115 | 0.45 |
| NC | MARTIN | 37117 | 0.40 |
| NC | MECKLENBURG | 37119 | 0.30 |
| NC | MITCHELL | 37121 | 0.45 |
| NC | MONTGOMERY | 37123 | 0.30 |
| NC | MOORE | 37125 | 0.30 |
| NC | NASH | 37127 | 0.30 |
| NC | NEW HANOVER | 37129 | 0.70 |
| NC | NORTHAMPTON | 37131 | 0.30 |
| NC | ONSLOW | 37133 | 0.30 |
| NC | ORANGE | 37135 | 0.30 |
| NC | PAMLICO | 37137 | 0.40 |
| NC | PASQUOTANK | 37139 | 0.20 |
| NC | PENDER | 37141 | 0.70 |
| NC | PERQUIMANS | 37143 | 0.20 |
| NC | PERSON | 37145 | 0.30 |
| NC | PITT | 37147 | 0.40 |
| NC | POLK | 37149 | 0.30 |
| NC | RANDOLPH | 37151 | 0.30 |
| NC | RICHMOND | 37153 | 0.50 |
| NC | ROBESON | 37155 | 0.70 |
| NC | ROCKINGHAM | 37157 | 0.45 |
| NC | ROWAN | 37159 | 0.30 |
| NC | RUTHERFORD | 37161 | 0.30 |
| NC | SAMPSON | 37163 | 0.30 |
| NC | SCOTLAND | 37165 | 0.30 |
| NC | STANLY | 37167 | 0.30 |
| NC | STOKES | 37169 | 0.45 |
| NC | SURRY | 37171 | 0.45 |
| NC | SWAIN | 37173 | 0.45 |
| NC | TRANSYLVANIA | 37175 | 0.45 |
| NC | TYRRELL | 37177 | 0.40 |
| NC | UNION | 37179 | 0.50 |
| NC | VANCE | 37181 | 0.30 |
| NC | WAKE | 37183 | 0.30 |
| NC | WARREN | 37185 | 0.30 |
| NC | WASHINGTON | 37187 | 0.40 |
| NC | WATAUGA | 37189 | 0.45 |
| NC | WAYNE | 37191 | 0.40 |
| NC | WILKES | 37193 | 0.45 |
| NC | WILSON | 37195 | 0.20 |
| NC | YADKIN | 37197 | 0.30 |
| NC | YANCEY | 37199 | 0.45 |
| SC | ABBEVILLE | 45001 | 0.50 |
| SC | AIKEN | 45003 | 0.70 |
| SC | ALLENDALE | 45005 | 1.00 |
| SC | ANDERSON | 45007 | 0.50 |
| SC | BAMBERG | 45009 | 0.70 |
| SC | BARNWELL | 45011 | 0.70 |
| SC | BEAUFORT | 45013 | 1.00 |
| SC | BERKELEY | 45015 | 1.00 |
| SC | CALHOUN | 45017 | 0.70 |
| SC | CHARLESTON | 45019 | 1.00 |
| SC | CHEROKEE | 45021 | 0.50 |
| SC | CHESTER | 45023 | 0.50 |
| SC | CHESTERFIELD | 45025 | 0.30 |
| SC | CLARENDON | 45027 | 0.70 |
| SC | COLLETON | 45029 | 1.00 |
| SC | DARLINGTON | 45031 | 0.70 |
| SC | DILLON | 45033 | 0.70 |
| SC | DORCHESTER | 45035 | 1.00 |
| SC | EDGEFIELD | 45037 | 0.30 |

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| SC | FAIRFIELD | 45039 | 0.30 |
| SC | FLORENCE | 45041 | 0.70 |
| SC | GEORGETOWN | 45043 | 0.70 |
| SC | GREENVILLE | 45045 | 0.50 |
| SC | GREENWOOD | 45047 | 0.50 |
| SC | HAMPTON | 45049 | 1.00 |
| SC | HORRY | 45051 | 0.70 |
| SC | JASPER | 45053 | 1.00 |
| SC | KERSHAW | 45055 | 0.30 |
| SC | LANCASTER | 45057 | 0.50 |
| SC | LAURENS | 45059 | 0.50 |
| SC | LEE | 45061 | 0.70 |
| SC | LEXINGTON | 45063 | 0.70 |
| SC | MC CORMICK | 45065 | 0.50 |
| SC | MARION | 45067 | 0.70 |
| SC | MARLBORO | 45069 | 0.70 |
| SC | NEWBERRY | 45071 | 0.30 |
| SC | OCONEE | 45073 | 0.50 |
| SC | ORANGEBURG | 45075 | 0.70 |
| SC | PICKENS | 45077 | 0.50 |
| SC | RICHLAND | 45079 | 0.70 |
| SC | SALUDA | 45081 | 0.30 |
| SC | SPARTANBURG | 45083 | 0.50 |
| SC | SUMTER | 45085 | 0.70 |
| SC | UNION | 45087 | 0.50 |
| SC | WILLIAMSBURG | 45089 | 0.70 |
| SC | YORK | 45091 | 0.50 |
| TN | ANDERSON | 47001 | 0.40 |
| TN | BLOUNT | 47009 | 0.40 |
| TN | BRADLEY | 47011 | 0.60 |
| TN | CAMPBELL | 47013 | 0.40 |
| TN | CARTER | 47019 | 0.40 |
| TN | CLAIBORNE | 47025 | 0.40 |
| TN | COCKE | 47029 | 0.40 |
| TN | CUMBERLAND | 47035 | 0.40 |
| TN | GRAINGER | 47057 | 0.40 |
| TN | GREENE | 47059 | 0.40 |
| TN | HAMBLEN | 47063 | 0.40 |
| TN | HAMILTON | 47065 | 0.60 |
| TN | HANCOCK | 47067 | 0.40 |
| TN | HAWKINS | 47073 | 0.40 |
| TN | JEFFERSON | 47089 | 0.40 |
| TN | JOHNSON | 47091 | 0.40 |
| TN | KNOX | 47093 | 0.40 |
| TN | LOUDON | 47105 | 0.40 |
| TN | MC MINN | 47107 | 0.60 |
| TN | MARION | 47115 | 0.60 |
| TN | MEIGS | 47121 | 0.60 |
| TN | MONROE | 47123 | 0.60 |
| TN | MORGAN | 47129 | 0.40 |
| TN | POLK | 47139 | 0.60 |
| TN | RHEA | 47143 | 0.40 |
| TN | ROANE | 47145 | 0.40 |
| TN | SCOTT | 47151 | 0.10 |
| TN | SEQUATCHIE | 47153 | 0.40 |
| TN | SEVIER | 47155 | 0.40 |
| TN | SULLIVAN | 47163 | 0.40 |
| TN | UNICOI | 47171 | 0.40 |
| TN | UNION | 47173 | 0.40 |
| TN | WASHINGTON | 47179 | 0.40 |
| VA | ALLEGHANY | 51005 | 0.10 |
| VA | AMHERST | 51009 | 0.40 |
| VA | AUGUSTA | 51015 | 0.10 |
| VA | BATH | 51017 | 0.10 |
| VA | BEDFORD | 51019 | 0.40 |
| VA | BLAND | 51021 | 0.40 |
| VA | BOTETOURT | 51023 | 0.10 |
| VA | BUCHANAN | 51027 | 0.10 |
| VA | CAMPBELL | 51031 | 0.40 |
| VA | CARROLL | 51035 | 0.40 |
| VA | CRAIG | 51045 | 0.10 |
| VA | DICKENSON | 51051 | 0.40 |
| VA | FLOYD | 51063 | 0.40 |

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| VA | FRANKLIN | 51067 | 0.40 |
| VA | GILES | 51071 | 0.10 |
| VA | GRAYSON | 51077 | 0.40 |
| VA | HENRY | 51089 | 0.40 |
| VA | HIGHLAND | 51091 | 0.10 |
| VA | LEE | 51105 | 0.40 |
| VA | MONTGOMERY | 51121 | 0.40 |
| VA | PATRICK | 51141 | 0.40 |
| VA | PITTSYLVANIA | 51143 | 0.40 |
| VA | PULASKI | 51155 | 0.40 |
| VA | ROANOKE | 51161 | 0.40 |
| VA | ROCKBRIDGE | 51163 | 0.10 |
| VA | ROCKINGHAM | 51165 | 0.10 |
| VA | RUSSELL | 51167 | 0.40 |
| VA | SCOTT | 51169 | 0.40 |
| VA | SMYTH | 51173 | 0.40 |
| VA | TAZEWELL | 51185 | 0.40 |
| VA | WASHINGTON | 51191 | 0.40 |
| VA | WISE | 51195 | 0.40 |
| VA | WYTHE | 51197 | 0.40 |
| VA | BEDFORD CITY | 51515 | 0.40 |
| VA | BRISTOL CITY | 51520 | 0.40 |
| VA | BUENA VISTA CITY | 51530 | 0.10 |
| VA | CLIFTON FORGE CITY | 51560 | 0.10 |
| VA | COVINGTON CITY | 51580 | 0.10 |
| VA | DANVILLE CITY | 51590 | 0.40 |
| VA | GALAX CITY | 51640 | 0.40 |
| VA | HARRISONBURG CITY | 51660 | 0.10 |
| VA | LEXINGTON CITY | 51678 | 0.10 |
| VA | LYNCHBURG CITY | 51680 | 0.40 |
| VA | MARTINSVILLE CITY | 51690 | 0.40 |
| VA | NORTON CITY | 51720 | 0.40 |
| VA | RADFORD CITY | 51750 | 0.40 |
| VA | ROANOKE CITY | 51770 | 0.40 |
| VA | SALEM CITY | 51775 | 0.40 |
| VA | STAUNTON CITY | 51790 | 0.10 |
| VA | WAYNESBORO CITY | 51820 | 0.10 |
| WV | MC DOWELL | 54047 | 0.10 |
| WV | MERCER | 54055 | 0.10 |

[73 FR 14156, Mar. 17, 2008]

### § 1005.52 Adjusted Class I differentials.

See § 1000.52.

### § 1005.53 Announcement of class prices, component prices, and advanced pricing factors.

See § 1000.53.

### § 1005.54 Equivalent price.

See § 1000.54.

## UNIFORM PRICES

### § 1005.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (e) of this section and subtracting from that total amount the value computed in paragraph (f) of this section. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to § 1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts; except that for the months of January 2005 through March 2005, the Class I skim milk price for this purpose shall be the Class I skim milk price as determined in § 1000.50(b)

plus $0.04 per hundredweight, and the Class I butterfat price for this purpose shall be the Class I butterfat price as determined in §1000.50(c) plus $0.0004 per pound. The adjustments to the Class I skim milk and butterfat prices provided herein may be reduced by the market administrator for any month if the market administrator determines that the payments yet unpaid computed pursuant to paragraphs (g)(1) through (5) and paragraph (g)(7) of this section will be less than the amount computed pursuant to paragraph (g)(6) of this section. The adjustments to the Class I skim milk and butterfat prices provided herein during the months of January 2005 through March 2005 shall be announced along with the prices announced in §1000.53(b);

(b) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) by the respective skim milk and butterfat prices applicable at the location of the pool plant;

(c) Multiply the difference between the Class IV price for the preceding month and the current month's Class I, II, or III price, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(d) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants;

(e) Multiply the Class I skim milk and Class I butterfat prices applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(f) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

(g) For the months of January 2005 through March 2005 for handlers who have submitted proof satisfactory to the market administrator to determine eligibility for reimbursement of transportation costs, subtract an amount equal to:

(1) The cost of transportation on loads of producer milk delivered or rerouted to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(2) The cost of transportation on loads of producer milk delivered or rerouted to a pool supply plant that was then transferred to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(3) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from a pool supply plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(4) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from another order plant which were delivered as a result of hurricanes

Charley, Frances, Ivan, and Jeanne; and

(5) The cost of transportation on loads of bulk milk transferred or diverted to a plant regulated under another Federal order or to other nonpool plants which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne.

(6) The total amount of payment to all handlers under this section shall be limited for each month to an amount determined by multiplying the total Class I producer milk for all handlers pursuant to §1000.44(c) times $0.04 per hundredweight.

(7) If the cost of transportation computed pursuant to paragraphs (g)(1) through (5) of this section exceeds the amount computed pursuant to paragraph (g)(6) of this section, the market administrator shall prorate such payments to each handler based on the handler's proportion of transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section. Transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section which are not paid as a result of such a proration shall be included in each subsequent month's transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section until paid, or until the time period for such payments is concluded.

(8) The reimbursement of transportation costs pursuant to this section shall be the actual demonstrated cost of such transportation of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section, or the miles of transportation on loads of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section multiplied by $2.25 per loaded mile, whichever is less.

(9) For each handler, the reimbursement of transportation costs pursuant to paragraph (g) of this section for bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section shall be reduced by the amount of payments received for such milk movements from the transportation credit balancing fund pursuant to §1005.82.

[64 FR 47960, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000; 69 FR 71699, Dec. 10, 2004]

### §1005.61 Computation of uniform prices.

On or before the 11th day of each month, the market administrator shall compute a uniform butterfat price, a uniform skim milk price, and a uniform price for producer milk receipts reported for the prior month. The report of any handler who has not made payments required pursuant to §1005.71 for the preceding month shall not be included in the computation of these prices, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations.

(a) *Uniform butterfat price.* The uniform butterfat price per pound, rounded to the nearest one-hundredth cent, shall be computed by:

(1) Multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1000.44(b) by the respective class butterfat prices;

(2) Adding the butterfat value calculated in §1005.60(e) for other source milk allocated to Class I pursuant to §1000.43(d) and the steps of §1000.44(b) that correspond to §1000.44(a)(3)(i) and §1000.44(a)(8) by the Class I price; and

(3) Dividing the sum of paragraphs (a)(1) and (a)(2) of this section by the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section.

(b) *Uniform skim milk price.* The uniform skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(1) Combine into one total the values computed pursuant to §1005.60 for all handlers;

(2) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1005.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Subtract the value of the total pounds of butterfat for all handlers. The butterfat value shall be computed by multiplying the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section by the butterfat price computed in paragraph (a) of this section;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total skim pounds of producer milk; and

(ii) The total skim pounds for which a value is computed pursuant to §1005.60(e); and

(6) Subtract not less than 4 cents and not more than 5 cents.

(c) *Uniform price.* The uniform price per hundredweight, rounded to the nearest cent, shall be the sum of the following:

(1) Multiply the uniform butterfat price for the month pursuant to paragraph (a) of this section times 3.5 pounds of butterfat; and

(2) Multiply the uniform skim milk price for the month pursuant to paragraph (b) of this section times 96.5 pounds of skim milk.

[64 FR 47960, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000]

### §1005.62 Announcement of uniform prices.

On or before the 11th day after the end of the month, the market administrator shall announce the uniform prices for the month computed pursuant to §1005.61.

## PAYMENTS FOR MILK

### §1005.70 Producer-settlement fund.

See §1000.70.

### §1005.71 Payments to the producer-settlement fund.

Each handler shall make a payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 12th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk of the handler for the month as determined pursuant to §1005.60; and

(b) The sum of the value at the uniform prices for skim milk and butterfat, adjusted for plant location, of the handler's receipts of producer milk; and the value at the uniform price, as adjusted pursuant to §1005.75, applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to §1005.60(e).

### §1005.72 Payments from the producer-settlement fund.

No later than one day after the date of payment receipt required under §1005.71, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1005.71(b) exceeds the amount computed pursuant to §1005.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### §1005.73 Payments to producers and to cooperative associations.

(a) Each handler that is not paying a cooperative association for producer milk shall pay each producer as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 23rd day of the month, payment shall be made so that it is received by the producer on or before the 26th day of the month (except as provided in §1000.90) for milk received during the first 15 days of the month at not less than 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to §1005.75 and proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, a payment computed as follows shall be made so that it is received by each producer one day after the payment date required in §1005.72:

(i) Multiply the hundredweight of producer skim milk received times the uniform skim milk price for the month;

(ii) Multiply the pounds of butterfat received times the uniform butterfat price for the month;

(iii) Multiply the hundredweight of producer milk received times the plant location adjustment pursuant to § 1005.75; and

(iv) Add the amounts computed in paragraph (a)(2)(i), (ii), and (iii) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to § 1000.86;

(C) Add or subtract for errors made in previous payments to the producer; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) One day before partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1005.75.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available for skim milk and butterfat at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment shall be the classified value of such milk as determined by multiplying the pounds of skim milk and butterfat assigned to each class pursuant to § 1000.44 by the class prices for the month at the receiving plant's location, and subtracting from this sum the partial payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to § 1005.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement

fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association described in §1000.9(a) or (c), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47960, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000]

### §1005.74 [Reserved]

### §1005.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1005.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1005.73 and 1000.76.

### §1005.76 Payments by a handler operating a partially regulated distributing plant.

See §1000.76.

### §1005.77 Adjustment of accounts.

See §1000.77.

### §1005.78 Charges on overdue accounts.

See §1000.78.

MARKETWIDE SERVICE PAYMENTS

### §1005.80 Transportation credit balancing fund.

The market administrator shall maintain a separate fund known as the *Transportation Credit Balancing Fund* into which shall be deposited the payments made by handlers pursuant to §1005.81 and out of which shall be made the payments due handlers pursuant to §1005.82. Payments due a handler shall be offset against payments due from the handler.

### §1005.81 Payments to the transportation credit balancing fund.

(a) On or before the 12th day after the end of the month (except as provided in §1000.90), each handler operating a pool plant and each handler specified in §1000.9 (c) shall pay to the Market Administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to §1005.44 by $0.15 per hundredweight or such lesser amount as the Market Administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June-February period. In the event that during any month of the June-February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in §1000.90) the assessment pursuant to paragraph (a) of this section for the following month.

[71 FR 62379, Oct. 25, 2006, as amended at 73 FR 14161, Mar. 17, 2008]

### § 1005.82 Payments from the transportation credit balancing fund.

(a) Payments from the transportation credit balancing fund to handlers and cooperative associations requesting transportation credits shall be made as follows:

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1005.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as described in paragraph (c)(1) of this section or that received, and reported pursuant to § 1005.30(a)(6), milk directly from producers'' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments prorata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

(2) The market administrator shall accept adjusted requests for transportation credits on or before the 20th day of the month following the month for which such credits were requested pursuant to § 1005.32(a). After such date, a preliminary audit will be conducted by the market administrator, who will recalculate any necessary proration of transportation credit payments for the preceding month pursuant to paragraph (a) of this section. Handlers will be promptly notified of an overpayment of credits based upon this final computation and remedial payments to or from the transportation credit balancing fund will be made on or before the next payment date for the following month.

(3) Transportation credits paid pursuant to paragraphs (a)(1) and (2) of this section shall be subject to final verification by the market administrator pursuant to § 1000.77. Adjusted payments to or from the transportation credit balancing fund will remain subject to the final proration established pursuant to paragraph (a)(2) of this section.

(4) In the event that a qualified cooperative association is the responsible party for whose account such milk is received and written documentation of this fact is provided to the market administrator pursuant to § 1005.30(c)(3) prior to the date payment is due, the transportation credits for such milk computed pursuant to this section shall be made to such cooperative association rather than to the operator of the pool plant at which the milk was received.

(b) The Market Administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the Market Administrator shall notify the Deputy Administrator of the Dairy Programs and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) Transportation credits shall apply to the following milk:

(1) Bulk milk received at a pool distributing plant from a plant regulated under another Federal order, except Federal Order 1007; and

(2) Bulk milk received directly from the farms of dairy farmers at pool distributing plants subject to the following conditions:

(i) The dairy farmer was not a ''producer'' under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) The farm on which the milk was produced is not located within the specified marketing area of the order in this part or the marketing area of Federal Order 1007 (7 CFR part 1007).

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) Transportation credits shall be computed as follows:

(1) The market administrator shall subtract from the pounds of milk described in paragraphs (c)(1) and (2) of this section the pounds of bulk milk transferred from the pool plant receiving the supplemental milk if milk was transferred to a nonpool plant on the same calendar day that the supplemental milk was received. For this purpose, the transferred milk shall be subtracted from the most distant load of supplemental milk received, and then in sequence with the next most distant load until all of the transfers have been offset.

(2) With respect to the pounds of milk described in paragraph (c)(1) of this section that remain after the computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine the shortest hard-surface highway distance between the shipping plant and the receiving plant;

(ii) Multiply the number of miles so determined by the mileage rate for the month computed pursuant to §1005.83(a)(6).

(iii) Subtract the applicable Class I price specified in §1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(iv) Subtract any positive difference computed in paragraph (d)(2)(iii) of this section from the amount computed in paragraph (d)(2)(ii) of this section; and

(v) Multiply the remainder computed in paragraph (d)(2)(iv) of this section by the hundredweight of milk described in paragraph (d)(2) of this section.

(3) For the remaining milk described in paragraph (c)(2) of this section after computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine an origination point for each load of milk by locating the nearest city to the last producer's farm from which milk was picked up for delivery to the receiving pool plant;

(ii) Determine the shortest hard-surface highway distance between the receiving pool plant and the origination point;

(iii) Subtract 85 miles from the mileage so determined;

(iv) Multiply the remaining miles so computed by the mileage rate for the month computed pursuant to §1005.83(a)(6).

(v) Subtract the Class I price specified in §1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

(vi) Subtract any positive difference computed in paragraph (d)(3)(v) of this section from the amount computed in paragraph (d)(3)(iv) of this section; and

(vii) Multiply the remainder computed in paragraph (d)(3)(vi) of this section by the hundredweight of milk described in paragraph (d)(3) of this section.

[64 FR 47960, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62379, Oct. 25, 2006; 73 FR 14161, Mar. 17, 2008]

**§ 1005.83 Mileage rate for the transportation credit balancing fund.**

(a) The market administrator shall compute a mileage rate each month as follows:

(1) Compute the simple average rounded down to three decimal places for the most recent 4 four weeks of the Diesel Price per Gallon as reported by the Energy Information Administration of the United States Department of Energy for the Lower Atlantic and Gulf Coast Districts combined.

(2) From the result in paragraph (a)(1) in this section subtract $1.42 per gallon;

(3) Divide the result in paragraph (a)(2) of this section by 5.5, and round down to three decimal places to compute the fuel cost adjustment factor;

(4) Add the result in paragraph (a)(3) of this section to $1.91;

(5) Divide the result in paragraph (a)(4) of this section by 480;

(6) Round the result in paragraph (a)(5) of this section down to five decimal places to compute the mileage rate.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in § 1000.90) the mileage rate pursuant to paragraph (a) of this section for the following month.

[71 FR 62379, Oct. 25, 2006]

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

**§ 1005.85 Assessment for order administration.**

See § 1000.85.

**§ 1005.86 Deduction for marketing services.**

See § 1000.86.

# PART 1006—MILK IN THE FLORIDA MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1006.1 General provisions.

DEFINITIONS

1006.2 Florida marketing area.
1006.3 Route disposition.
1006.4 Plant.
1006.5 Distributing plant.
1006.6 Supply plant.
1006.7 Pool plant.
1006.8 Nonpool plant.
1006.9 Handler.
1006.10 Producer-handler.
1006.11 [Reserved]
1006.12 Producer.
1006.13 Producer milk.
1006.14 Other source milk.
1006.15 Fluid milk product.
1006.16 Fluid cream product.
1006.17 [Reserved]
1006.18 Cooperative association.
1006.19 Commercial food processing establishment.

HANDLER REPORTS

1006.30 Reports of receipts and utilization.
1006.31 Payroll reports.
1006.32 Other reports.

CLASSIFICATION OF MILK

1006.40 Classes of utilization.
1006.41 [Reserved]
1006.42 Classification of transfers and diversions.
1006.43 General classification rules.
1006.44 Classification of producer milk.
1006.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1006.50 Class prices, component prices, and advanced pricing factors.
1006.51 Class I differential, adjustments to Class I prices, and Class I price.
1006.52 Adjusted Class I differentials.
1006.53 Announcement of class prices, component prices, and advanced pricing factors.
1006.54 Equivalent price.

UNIFORM PRICES

1006.60 Handler's value of milk.
1006.61 Computation of uniform prices.
1006.62 Announcement of uniform prices.

PAYMENTS FOR MILK

1006.70 Producer-settlement fund.
1006.71 Payments to the producer-settlement fund.
1006.72 Payments from the producer-settlement fund.
1006.73 Payments to producers and to cooperative associations.
1006.74 [Reserved]
1006.75 Plant location adjustments for producer milk and nonpool milk.
1006.76 Payments by a handler operating a partially regulated distributing plant.
1006.77 Adjustment of accounts.
1006.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1006.85 Assessment for order administration.
1006.86 Deduction for marketing services.

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

SOURCE: 64 FR 47966, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1006.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1006. In this part 1006, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1006.2 Florida marketing area.

The marketing area means all the territory within the State of Florida, except the counties of Escambia, Okaloosa, Santa Rosa, and Walton, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions.

### § 1006.3 Route disposition.

See § 1000.3.

### § 1006.4 Plant.

See § 1000.4.

### § 1006.5 Distributing plant.

See § 1000.5.

### § 1006.6 Supply plant.

See § 1000.6.

### § 1006.7 Pool plant.

*Pool plant* means a plant specified in paragraphs (a) through (d) of this section, a unit of plants as specified in paragraph (e) of this section, or a plant specified in paragraph (h) of this section, but excluding a plant specified in paragraph (g) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 50 percent or more of the fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 50 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 60 percent or more of the total quantity of milk that is physically received during the month from dairy farmers and handlers described in §1000.9(c), including milk that is diverted from the plant, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month 60 percent of the producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other than Class I) from the cooperative's plant.

(e) Two or more plants operated by the same handler and that are located within the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements specified in paragraph (a) of this section and the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process only Class I or Class II products and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit, or to add or remove plants from a unit, must be filed with the market administrator prior to the first day of the month for which it is to be effective.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the date for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(g) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area, meets the pooling requirements of another Federal order, and has had greater route disposition in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is located in another Federal order marketing area, meets the pooling standards of the other Federal order, and has not had a majority of its route disposition in this marketing area for 3 consecutive months or is locked into pool status under such other Federal order without regard to its route disposition in any other Federal order marketing area; and

(5) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under such other order than are made to plants regulated under the order in this part, or such plant has automatic pooling status under such other order.

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

(1) 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 exclusions:

(i) The plant is described in §1006.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1006.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

[64 FR 47966, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 71 FR 28249, May 16, 2006]

### §1006.8 Nonpool plant.

See §1000.8.

### §1006.9 Handler.

See §1000.9.

### §1006.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives no fluid milk products, and acquires no fluid milk products for route disposition, from sources other than own farm production;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled, and the processing and packaging operations, are the producer-handler's own enterprise and are operated at the producer-handler's own risk.

(e) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47966, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1006.11 [Reserved]

### §1006.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1006.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1006.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1006.13 Producer milk.

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk) and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in § 1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a handler described in § 1000.9(c) to a nonpool plant, subject to the following conditions:

(1) In any month, not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 20 percent during the months of July through November, 25 percent during the months of December through February, and 40 percent during all other months, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month;

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 20 percent during the months of July through November, 25 percent during the months of December through February, and 40 percent during all other months, of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1006.7(d)) during the month, excluding the quantity of producer milk received from a handler described in § 1000.9(c);

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d) (3) and (4) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that will not be producer milk, no milk diverted by the handler or cooperative association shall be producer milk;

(5) Diverted milk shall be priced at the location of the plant to which diverted; and

(6) The delivery day requirements and the diversion percentages in paragraphs (d) (1) through (3) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

### § 1006.14 Other source milk.

See § 1000.14.

### § 1006.15 Fluid milk product.

See § 1000.15.

### § 1006.16 Fluid cream product.

See § 1000.16.

### § 1006.17 [Reserved]

### § 1006.18 Cooperative association.

See § 1000.18.

### § 1006.19 Commercial food processing establishment.

See § 1000.19.

## HANDLER REPORTS

### § 1006.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and

butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(6) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### § 1006.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1006.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in § 1006.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### § 1006.32 Other reports.

In addition to the reports required pursuant to §§ 1006.30 and 1006.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## CLASSIFICATION OF MILK

### § 1006.40 Classes of utilization.

See § 1000.40.

### § 1006.41 [Reserved]

### § 1006.42 Classification of transfers and diversions.

See § 1000.42.

### § 1006.43 General classification rules.

See § 1000.43.

### § 1006.44 Classification of producer milk.

See § 1000.44.

### § 1006.45 Market administrator's reports and announcements concerning classification.

See § 1000.45.

## CLASS PRICES

### § 1006.50 Class prices, component prices, and advanced pricing factors.

See § 1000.50.

### § 1006.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Hillsborough County, Florida, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1006.50(a) for Hillsborough County, Florida.

(b) *Adjustment to Class I prices.* Class I prices shall be established pursuant to § 1000.50(a), (b) and (c) using the following adjustments:

| State | County/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| FL | ALACHUA | 12001 | 1.30 |
| FL | BAKER | 12003 | 1.30 |
| FL | BAY | 12005 | 0.60 |
| FL | BRADFORD | 12007 | 1.30 |
| FL | BREVARD | 12009 | 1.40 |
| FL | BROWARD | 12011 | 1.70 |
| FL | CALHOUN | 12013 | 0.60 |
| FL | CHARLOTTE | 12015 | 1.50 |
| FL | CITRUS | 12017 | 1.40 |
| FL | CLAY | 12019 | 1.30 |
| FL | COLLIER | 12021 | 1.70 |
| FL | COLUMBIA | 12023 | 1.30 |
| FL | DADE | 12025 | 1.70 |
| FL | DE SOTO | 12027 | 1.80 |
| FL | DIXIE | 12029 | 1.30 |
| FL | DUVAL | 12031 | 1.30 |
| FL | FLAGLER | 12035 | 1.00 |
| FL | FRANKLIN | 12037 | 0.90 |
| FL | GADSDEN | 12039 | 0.90 |
| FL | GILCHRIST | 12041 | 1.30 |
| FL | GLADES | 12043 | 1.50 |
| FL | GULF | 12045 | 0.90 |
| FL | HAMILTON | 12047 | 1.30 |
| FL | HARDEE | 12049 | 1.80 |
| FL | HENDRY | 12051 | 1.70 |
| FL | HERNANDO | 12053 | 1.40 |
| FL | HIGHLANDS | 12055 | 1.80 |
| FL | HILLSBOROUGH | 12057 | 1.40 |
| FL | HOLMES | 12059 | 0.60 |
| FL | INDIAN RIVER | 12061 | 1.80 |
| FL | JACKSON | 12063 | 0.60 |
| FL | JEFFERSON | 12065 | 0.90 |
| FL | LAFAYETTE | 12067 | 1.30 |
| FL | LAKE | 12069 | 1.40 |
| FL | LEE | 12071 | 1.70 |
| FL | LEON | 12073 | 0.90 |
| FL | LEVY | 12075 | 1.00 |
| FL | LIBERTY | 12077 | 0.90 |
| FL | MADISON | 12079 | 1.30 |
| FL | MANATEE | 12081 | 1.80 |
| FL | MARION | 12083 | 1.00 |
| FL | MARTIN | 12085 | 1.50 |
| FL | MONROE | 12087 | 1.70 |
| FL | NASSAU | 12089 | 1.30 |
| FL | OKEECHOBEE | 12093 | 1.80 |
| FL | ORANGE | 12095 | 1.40 |
| FL | OSCEOLA | 12097 | 1.40 |
| FL | PALM BEACH | 12099 | 1.70 |
| FL | PASCO | 12101 | 1.40 |
| FL | PINELLAS | 12103 | 1.40 |
| FL | POLK | 12105 | 1.40 |
| FL | PUTNAM | 12107 | 1.30 |
| FL | SAINT JOHNS | 12109 | 1.30 |
| FL | SAINT LUCIE | 12111 | 1.80 |
| FL | SARASOTA | 12115 | 1.80 |
| FL | SEMINOLE | 12117 | 1.40 |
| FL | SUMTER | 12119 | 1.40 |
| FL | SUWANNEE | 12121 | 1.30 |
| FL | TAYLOR | 12123 | 1.30 |
| FL | UNION | 12125 | 1.30 |
| FL | VOLUSIA | 12127 | 1.40 |
| FL | WAKULLA | 12129 | 0.90 |
| FL | WASHINGTON | 12133 | 0.60 |

[73 FR 14161, Mar. 17, 2008]

**§ 1006.52 Adjusted Class I differentials.**

See § 1000.52.

**§ 1006.53 Announcement of class prices, component prices, and advanced pricing factors.**

See § 1000.53.

**§ 1006.54 Equivalent price.**

See § 1000.54.

UNIFORM PRICES

**§ 1006.60 Handler's value of milk.**

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (e) of this section and subtracting from that total amount the value computed in paragraph (f) of this section. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to § 1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts; except that for the months of January 2005 through March 2005, the Class I skim milk price for this purpose shall be the Class I skim milk price as determined in § 1000.50(b) plus $0.09 per hundredweight, and the Class I butterfat price for this purpose shall be the Class I butterfat price as determined in § 1000.50(c) plus $0.0009 per pound. The adjustments to the Class I skim milk and butterfat prices provided herein may be reduced by the market administrator for any month if the market administrator determines that the payments yet unpaid computed pursuant to paragraphs (g)(1) through (5) and paragraph (g)(7) of this section will be less than the amount computed pursuant to paragraph (g)(6) of this section. The adjustments to the Class I skim milk and butterfat prices provided herein during the months of January 2005 through March 2005 shall be announced along with the prices announced in § 1000.53(b);

(b) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to § 1000.44(a)(11) by the respective skim milk and butterfat prices applicable at the location of the pool plant;

(c) Multiply the difference between the Class IV price for the preceding month and the current month's Class I, II, or III price, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to § 1000.44(a)(7) and the corresponding step of § 1000.44(b);

(d) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to § 1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1000.44(a)(3)(i) through (vi) and the corresponding step of § 1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants;

(e) Multiply the Class I skim milk and Class I butterfat prices applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1000.43(d) and § 1000.44(a)(3)(i) and the corresponding step of § 1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1000.44(a)(8) and the corresponding step of § 1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used

as an offset for any other payment obligation under any order; and

(f) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

(g) For the months of January 2005 through March 2005 for handlers who have submitted proof satisfactory to the market administrator to determine eligibility for reimbursement of transportation costs subtract an amount equal to:

(1) The cost of transportation on loads of producer milk delivered or rerouted to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(2) The cost of transportation on loads of producer milk delivered or rerouted to a pool supply plant that was then transferred to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(3) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from a pool supply plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(4) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from another order plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne; and

(5) The cost of transportation on loads of bulk milk transferred or diverted to a plant regulated under another Federal order or to other nonpool plants which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne.

(6) The total amount of payment to all handlers under this section shall be limited for each month to an amount determined by multiplying the total Class I producer milk for all handlers pursuant to §1000.44(c) times $0.09 per hundredweight.

(7) If the cost of transportation computed pursuant to paragraphs (g)(1) through (5) of this section exceeds the amount computed pursuant to paragraph (g)(6) of this section, the market administrator shall prorate such payments to each handler based on each handler's proportion of transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section. Transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section which are not paid as a result of such a proration shall be included in each subsequent month's transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section until paid, or until the time period for such payments has concluded.

(8) The reimbursement of transportation costs pursuant to this section shall be the actual demonstrated cost of such transportation of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section, or the miles of transportation on loads of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section multiplied by $2.25 per loaded mile, whichever is less.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000; 69 FR 71700, Dec. 10, 2004]

### §1006.61 Computation of uniform prices.

On or before the 11th day of each month, the market administrator shall compute a uniform butterfat price, a uniform skim milk price, and a uniform price for producer milk receipts reported for the prior month. The report of any handler who has not made payments required pursuant to §1006.71 for the preceding month shall not be included in the computation of these prices, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations.

(a) *Uniform butterfat price.* The uniform butterfat price per pound, rounded to the nearest one-hundredth cent, shall be computed by:

(1) Multiplying the pounds of butterfat in producer milk allocated to

each class pursuant to §1000.44(b) by the respective class butterfat prices;

(2) Adding the butterfat value calculated in §1006.60(e) for other source milk allocated to Class I pursuant to §1000.43(d) and the steps of §1000.44(b) that correspond to §1000.44(a)(3)(i) and §1000.44(a)(8) by the Class I price; and

(3) Dividing the sum of paragraphs (a)(1) and (a)(2) of this section by the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section.

(b) *Uniform skim milk price.* The uniform skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(1) Combine into one total the values computed pursuant to §1006.60 for all handlers;

(2) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1006.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Subtract the value of the total pounds of butterfat for all handlers. The butterfat value shall be computed by multiplying the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section by the butterfat price computed in paragraph (a) of this section;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total skim pounds of producer milk; and

(ii) The total skim pounds for which a value is computed pursuant to §1006.60(e); and

(6) Subtract not less than 4 cents and not more than 5 cents.

(c) *Uniform price.* The uniform price per hundredweight, rounded to the nearest cent, shall be the sum of the following:

(1) Multiply the uniform butterfat price for the month pursuant to paragraph (a) of this section times 3.5 pounds of butterfat; and

(2) Multiply the uniform skim milk price for the month pursuant to paragraph (b) of this section times 96.5 pounds of skim milk.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000]

### §1006.62 Announcement of uniform prices.

On or before the 11th day after the end of the month, the market administrator shall announce the uniform prices for the month computed pursuant to §1006.61.

## PAYMENTS FOR MILK

### §1006.70 Producer-settlement fund.

See §1000.70.

### §1006.71 Payments to the producer-settlement fund.

Each handler shall make a payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 12th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk of the handler for the month as determined pursuant to §1006.60; and

(b) The sum of the value at the uniform prices for skim milk and butterfat, adjusted for plant location, of the handler's receipts of producer milk; and the value at the uniform price, as adjusted pursuant to §1006.75, applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to §1006.60(e).

### §1006.72 Payments from the producer-settlement fund.

No later than one day after the date of payment receipt required under §1006.71, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1006.71(b) exceeds the amount computed pursuant to §1006.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such

payments and shall complete the payments as soon as the funds are available.

### § 1006.73 Payments to producers and to cooperative associations.

(a) Each handler that is not paying a cooperative association for producer milk shall pay each producer as follows:

(1) *Partial payments.* (i) For each producer who has not discontinued shipments as of the 15th day of the month, payment shall be made so that it is received by the producer on or before the 20th day of the month (except as provided in § 1000.90) for milk received during the first 15 days of the month at not less than 85 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1006.75 and proper deductions authorized in writing by the producer; and

(ii) For each producer who has not discontinued shipments as of the last day of the month, payment shall be made so that it is received by the producer on or before the 5th day of the following month (except as provided in § 1000.90) for milk received from the 16th to the last day of the month at not less than 85 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1006.75 and proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, a payment computed as follows shall be made so that it is received by each producer one day after the payment date required in § 1006.72:

(i) Multiply the hundredweight of producer skim milk received times the uniform skim milk price for the month;

(ii) Multiply the pounds of butterfat received times the uniform butterfat price for the month;

(iii) Multiply the hundredweight of producer milk received times the plant location adjustment pursuant to § 1006.75; and

(iv) Add the amounts computed in paragraphs (a)(2)(i), (ii), and (iii) of this section, and from that sum:

(A) Subtract the partial payments made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to § 1000.86;

(C) Add or subtract for errors made in previous payments to the producer; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) One day before partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1006.75.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available for skim milk and butterfat at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment shall be the classified value of such milk as determined by multiplying the pounds of skim milk and butterfat assigned to each class pursuant to § 1000.44 by the class prices for the month at the receiving plant's location, and subtracting from this sum the partial payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly*

*from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1006.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association described in §1000.9(a) or (c), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000]

### §1006.74 [Reserved]

### §1006.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1006.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1006.73 and 1000.76.

### §1006.76 Payments by a handler operating a partially regulated distributing plant.

See §1000.76.

### §1006.77 Adjustment of accounts.

See §1000.77.

### §1006.78 Charges on overdue accounts.

See §1000.78.

## ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### §1006.85 Assessment for order administration.

See §1000.85.

### §1006.86 Deduction for marketing services.

See §1000.86.

# PART 1007—MILK IN THE SOUTHEAST MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1007.1 General provisions.

DEFINITIONS

1007.2 Southeast marketing area.
1007.3 Route disposition.
1007.4 Plant.
1007.5 Distributing plant.
1007.6 Supply plant.
1007.7 Pool plant.
1007.8 Nonpool plant.
1007.9 Handler.
1007.10 Producer-handler.
1007.11 [Reserved]
1007.12 Producer.
1007.13 Producer milk.
1007.14 Other source milk.
1007.15 Fluid milk product.
1007.16 Fluid cream product.
1007.17 [Reserved]
1007.18 Cooperative association.
1007.19 Commercial food processing establishment.

HANDLER REPORTS

1007.30 Reports of receipts and utilization.
1007.31 Payroll reports.
1007.32 Other reports.

CLASSIFICATION OF MILK

1007.40 Classes of utilization.
1007.41 [Reserved]
1007.42 Classification of transfers and diversions.
1007.43 General classification rules.
1007.44 Classification of producer milk.
1007.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1007.50 Class prices, component prices, and advanced pricing factors.
1007.51 Class I differential, adjustments to Class I prices, and Class I price.
1007.52 Adjusted Class I differentials.
1007.53 Announcement of class prices, component prices, and advanced pricing factors.
1007.54 Equivalent price.

UNIFORM PRICES

1007.60 Handler's value of milk.
1007.61 Computation of uniform prices.
1007.62 Announcement of uniform prices.

PAYMENTS FOR MILK

1007.70 Producer-settlement fund.
1007.71 Payments to the producer-settlement fund.
1007.72 Payments from the producer-settlement fund.
1007.73 Payments to producers and to cooperative associations.
1007.74 [Reserved]
1007.75 Plant location adjustments for producer milk and nonpool milk.
1007.76 Payments by a handler operating a partially regulated distributing plant.
1007.77 Adjustment of accounts.
1007.78 Charges on overdue accounts.

MARKETWIDE SERVICE PAYMENTS

1007.80 Transportation credit balancing fund.
1007.81 Payments to the transportation credit balancing fund.
1007.82 Payments from the transportation credit balancing fund.
1007.83 Mileage rate for the transportation credit balancing fund.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1007.85 Assessment for order administration.
1007.86 Deduction for marketing services.

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

SOURCE: 64 FR 47971, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1007.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1007. In this part 1007, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1007.2 Southeast marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

ALABAMA, ARKANSAS, LOUISIANA, AND MISSISSIPPI

All of the States of Alabama, Arkansas, Louisiana, and Mississippi.

*Florida Counties*

Escambia, Okaloosa, Santa Rosa, and Walton.

*Georgia Counties*

All of the State of Georgia except for the counties of Catoosa, Chattooga, Dade, Fannin, Murray, Walker, and Whitfield.

*Kentucky Counties*

Allen, Ballard, Barren, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Logan, Lyon, Marshall,McCracken, Metcalfe, Monroe, Simpson, Todd, Trigg, and Warren.

*Missouri Counties*

Barry, Barton, Bollinger, Butler, Cape Girardeau, Carter, Cedar, Christian, Crawford, Dade, Dallas, Dent, Douglas, Dunklin, Greene, Howell, Iron, Jasper, Laclede, Lawrence, Madison, McDonald, Mississippi, New Madrid, Newton, Oregon, Ozark, Pemiscot, Perry, Polk, Reynolds, Ripley, Scott, Shannon, St. Francois, Stoddard, Stone, Taney, Texas, Vernon, Washington, Wayne, Webster, and Wright.

*Tennessee Counties*

All of the State of Tennessee except for the counties of Anderson, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, and Washington.

### § 1007.3 Route disposition.

See § 1000.3.

### § 1007.4 Plant.

See § 1000.4.

### § 1007.5 Distributing plant.

See § 1000.5.

### § 1007.6 Supply plant.

See § 1000.6.

### § 1007.7 Pool plant.

*Pool plant* means a plant specified in paragraphs (a) through (d) of this section, a unit of plants as specified in paragraph (e) of this section, or a plant specified in paragraph (h) of this section, but excluding a plant specified in paragraph (g) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 50 percent or more of the fluid milk products physically received at such plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 50 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 50 percent or more of the total quantity of milk that is physically received during the month from dairy farmers and handlers described in §1000.9(c), including milk that is diverted from the plant, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month at least 60 percent of the producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product (excluding concentrated milk transferred to a distributing plant for an agreed-

upon use other than Class I) from the cooperative's plant.

(e) Two or more plants operated by the same handler and located within the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements specified in paragraph (a) of this section and the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process only Class I or Class II products and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit, or to add or remove plants from a unit, must be filed with the market administrator prior to the first day of the month for which it is to be effective.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the date for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(g) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area, meets the pooling requirements of another Federal order, and has had greater route disposition in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is located in another Federal order marketing area, meets the pooling standards of the other Federal order, and has not had a majority of its route disposition in this marketing area for 3 consecutive months or is locked into pool status under such other Federal order without regard to its route disposition in any other Federal order marketing area; and

(5) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under such other order than are made to plants regulated under the order in this part, or such plant has automatic pooling status under such other order.

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

(1) 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 exclusions:

(i) The plant is described in §1007.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1007.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25498, May 1, 2006; 71 FR 28249, May 16, 2006]

### §1007.8 Nonpool plant.

See §1000.8.

### §1007.9 Handler.

See §1000.9.

### §1007.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives no fluid milk products, and acquires no fluid milk products for route disposition, from sources other than own farm production;

(c) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products received from own farm production; and

(d) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled, and the processing and packaging operations, are the producer-handler's own enterprise and are operated at the producer-handler's own risk.

(e) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47971, Sept. 1, 1999, as amended at 71 FR 25499, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1007.11 [Reserved]

### §1007.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1007.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1007.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1007.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent

of components of skim milk) and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in § 1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a handler described in § 1000.9(c) to a nonpool plant, subject to the following conditions:

(1) In any month of January through June, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(2) In any month of July through December, not less than 1 days' production of the producer whose milk is diverted is physically received at a pool plant during the month;

(3) The total quantity of milk so diverted during the month by a cooperative association shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June, of the producer milk that the cooperative association caused to be delivered to, and physically received at, pool plants during the month, excluding the total pounds of bulk milk received directly from producers meeting for conditions as described in § 1007.82(c)(2)(ii) and (iii), and for which a transportation credit is requested;

(4) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (d) of this section. The total quantity of milk so diverted during the month shall not exceed 25 percent during the months of July through November, January, and February, and 35 percent during the months of December and March through June of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to § 1007.7(e)) during the month, excluding the quantity of producer milk received from a handler described in § 1000.9(c), excluding the total pounds of bulk milk received directly from producers meeting for conditions as described in § 1007.82(c)(2)(ii) and (iii), and for which a transportation credit is requested;

(5) Any milk diverted in excess of the limits prescribed in paragraphs (d)(3) and (4) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that will not be producer milk, no milk diverted by the handler or cooperative association shall be producer milk;

(6) Diverted milk shall be priced at the location of the plant to which diverted; and

(7) The delivery day requirements and the diversion percentages in paragraphs (d)(1) through (4) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a

State government maintaining marketwide pooling of returns.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62379, Oct. 25, 2006; 73 FR 14162, Mar. 17, 2008; 73 FR 26315, May 9, 2008]

### § 1007.14 Other source milk.

See § 1000.14.

### § 1007.15 Fluid milk product.

See § 1000.15.

### § 1007.16 Fluid cream product.

See § 1000.16.

### § 1007.17 [Reserved]

### § 1007.18 Cooperative association.

See § 1000.18.

### § 1007.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

### § 1007.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Receipts of bulk milk from a plant regulated under another Federal order, except Federal Order 1005, for which a transportation credit is requested pursuant to § 1007.82;

(6) Receipts of producer milk described in § 1007.82(c)(2), including the identity of the individual producers whose milk is eligible for the transportation credit pursuant to that paragraph and the date that such milk was received;

(7) For handlers submitting transportation credit requests, transfers of bulk milk to nonpool plants, including the dates that such milk was transferred;

(8) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(9) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraphs (a)(1), (a)(2), (a)(3), (a)(4), and (a)(8) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers;

(2) The utilization or disposition of all such receipts; and

(3) With respect to milk for which a cooperative association is requesting a transportation credit pursuant to § 1007.82, all of the information required in paragraphs (a)(5), (a)(6), and (a)(7) of this section.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### § 1007.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1007.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in detail prescribed by the market administrator, showing for each producer the information specified in § 1007.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to

§ 1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### § 1007.32 Other reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1000.9(a) and (c) shall report to the market administrator any adjustments to transportation credit requests as reported pursuant to § 1007.30(a)(5), (6), and (7).

(b) In addition to the reports required pursuant to §§ 1007.30, 31, and 32(a), each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## CLASSIFICATION OF MILK

### § 1007.40 Classes of utilization.

See § 1000.40.

### § 1007.41 [Reserved]

### § 1007.42 Classification of transfers and diversions.

See § 1000.42.

### § 1007.43 General classification rules.

See § 1000.43.

### § 1007.44 Classification of producer milk.

See § 1000.44.

### § 1007.45 Market administrator's reports and announcements concerning classification.

See § 1000.45.

## CLASS PRICES

### § 1007.50 Class prices, component prices, and advanced pricing factors.

See § 1000.50.

### § 1007.51 Class I differential, adjustments to Class I prices, and Class I price.

(a) The Class I differential shall be the differential established for Fulton County, Georgia, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1007.50(a) for Fulton County, Georgia.

(b) Adjustment to Class I prices. Class I prices shall be established pursuant to § 1000.50(a), (b) and (c) using the following adjustments:

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| AL | AUTAUGA | 01001 | 0.50 |
| AL | BALDWIN | 01003 | 0.50 |
| AL | BARBOUR | 01005 | 0.55 |
| AL | BIBB | 01007 | 0.30 |
| AL | BLOUNT | 01009 | 0.20 |
| AL | BULLOCK | 01011 | 0.70 |
| AL | BUTLER | 01013 | 0.55 |
| AL | CALHOUN | 01015 | 0.30 |
| AL | CHAMBERS | 01017 | 0.70 |
| AL | CHEROKEE | 01019 | 0.30 |
| AL | CHILTON | 01021 | 0.70 |
| AL | CHOCTAW | 01023 | 0.50 |
| AL | CLARKE | 01025 | 0.35 |
| AL | CLAY | 01027 | 0.70 |
| AL | CLEBURNE | 01029 | 0.70 |
| AL | COFFEE | 01031 | 0.85 |
| AL | COLBERT | 01033 | 0.30 |
| AL | CONECUH | 01035 | 0.55 |
| AL | COOSA | 01037 | 0.70 |
| AL | COVINGTON | 01039 | 0.55 |
| AL | CRENSHAW | 01041 | 0.55 |
| AL | CULLMAN | 01043 | 0.20 |
| AL | DALE | 01045 | 0.85 |
| AL | DALLAS | 01047 | 0.50 |
| AL | DE KALB | 01049 | 0.40 |
| AL | ELMORE | 01051 | 0.50 |
| AL | ESCAMBIA | 01053 | 0.55 |
| AL | ETOWAH | 01055 | 0.30 |
| AL | FAYETTE | 01057 | 0.20 |
| AL | FRANKLIN | 01059 | 0.30 |
| AL | GENEVA | 01061 | 0.85 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| AL | GREENE | 01063 | 0.30 |
| AL | HALE | 01065 | 0.30 |
| AL | HENRY | 01067 | 0.85 |
| AL | HOUSTON | 01069 | 0.85 |
| AL | JACKSON | 01071 | 0.40 |
| AL | JEFFERSON | 01073 | 0.30 |
| AL | LAMAR | 01075 | 0.20 |
| AL | LAUDERDALE | 01077 | 0.30 |
| AL | LAWRENCE | 01079 | 0.30 |
| AL | LEE | 01081 | 0.70 |
| AL | LIMESTONE | 01083 | 0.30 |
| AL | LOWNDES | 01085 | 0.70 |
| AL | MACON | 01087 | 0.70 |
| AL | MADISON | 01089 | 0.30 |
| AL | MARENGO | 01091 | 0.50 |
| AL | MARION | 01093 | 0.20 |
| AL | MARSHALL | 01095 | 0.40 |
| AL | MOBILE | 01097 | 0.50 |
| AL | MONROE | 01099 | 0.35 |
| AL | MONTGOMERY | 01101 | 0.70 |
| AL | MORGAN | 01103 | 0.30 |
| AL | PERRY | 01105 | 0.30 |
| AL | PICKENS | 01107 | 0.30 |
| AL | PIKE | 01109 | 0.55 |
| AL | RANDOLPH | 01111 | 0.70 |
| AL | RUSSELL | 01113 | 0.70 |
| AL | SAINT CLAIR | 01115 | 0.30 |
| AL | SHELBY | 01117 | 0.30 |
| AL | SUMTER | 01119 | 0.30 |
| AL | TALLADEGA | 01121 | 0.30 |
| AL | TALLAPOOSA | 01123 | 0.70 |
| AL | TUSCALOOSA | 01125 | 0.30 |
| AL | WALKER | 01127 | 0.20 |
| AL | WASHINGTON | 01129 | 0.35 |
| AL | WILCOX | 01131 | 0.50 |
| AL | WINSTON | 01133 | 0.20 |
| AR | ARKANSAS | 05001 | 0.00 |
| AR | ASHLEY | 05003 | 0.10 |
| AR | BAXTER | 05005 | 0.10 |
| AR | BENTON | 05007 | 0.10 |
| AR | BOONE | 05009 | 0.10 |
| AR | BRADLEY | 05011 | 0.30 |
| AR | CALHOUN | 05013 | 0.30 |
| AR | CARROLL | 05015 | 0.10 |
| AR | CHICOT | 05017 | 0.10 |
| AR | CLARK | 05019 | 0.00 |
| AR | CLAY | 05021 | 0.10 |
| AR | CLEBURNE | 05023 | 0.10 |
| AR | CLEVELAND | 05025 | 0.30 |
| AR | COLUMBIA | 05027 | 0.10 |
| AR | CONWAY | 05029 | 0.10 |
| AR | CRAIGHEAD | 05031 | 0.10 |
| AR | CRAWFORD | 05033 | 0.10 |
| AR | CRITTENDEN | 05035 | 0.10 |
| AR | CROSS | 05037 | 0.10 |
| AR | DALLAS | 05039 | 0.00 |
| AR | DESHA | 05041 | 0.30 |
| AR | DREW | 05043 | 0.30 |
| AR | FAULKNER | 05045 | 0.10 |
| AR | FRANKLIN | 05047 | 0.10 |
| AR | FULTON | 05049 | 0.10 |
| AR | GARLAND | 05051 | 0.10 |
| AR | GRANT | 05053 | 0.00 |
| AR | GREENE | 05055 | 0.10 |
| AR | HEMPSTEAD | 05057 | 0.30 |
| AR | HOT SPRING | 05059 | 0.00 |
| AR | HOWARD | 05061 | 0.00 |
| AR | INDEPENDENCE | 05063 | 0.10 |
| AR | IZARD | 05065 | 0.10 |
| AR | JACKSON | 05067 | 0.10 |
| AR | JEFFERSON | 05069 | 0.00 |
| AR | JOHNSON | 05071 | 0.10 |
| AR | LAFAYETTE | 05073 | 0.10 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| AR | LAWRENCE | 05075 | 0.10 |
| AR | LEE | 05077 | 0.10 |
| AR | LINCOLN | 05079 | 0.30 |
| AR | LITTLE RIVER | 05081 | 0.30 |
| AR | LOGAN | 05083 | 0.10 |
| AR | LONOKE | 05085 | 0.10 |
| AR | MADISON | 05087 | 0.10 |
| AR | MARION | 05089 | 0.10 |
| AR | MILLER | 05091 | 0.10 |
| AR | MISSISSIPPI | 05093 | 0.30 |
| AR | MONROE | 05095 | 0.10 |
| AR | MONTGOMERY | 05097 | 0.10 |
| AR | NEVADA | 05099 | 0.30 |
| AR | NEWTON | 05101 | 0.10 |
| AR | OUACHITA | 05103 | 0.30 |
| AR | PERRY | 05105 | 0.10 |
| AR | PHILLIPS | 05107 | 0.00 |
| AR | PIKE | 05109 | 0.00 |
| AR | POINSETT | 05111 | 0.30 |
| AR | POLK | 05113 | 0.10 |
| AR | POPE | 05115 | 0.10 |
| AR | PRAIRIE | 05117 | 0.10 |
| AR | PULASKI | 05119 | 0.10 |
| AR | RANDOLPH | 05121 | 0.10 |
| AR | SAINT FRANCIS | 05123 | 0.10 |
| AR | SALINE | 05125 | 0.10 |
| AR | SCOTT | 05127 | 0.10 |
| AR | SEARCY | 05129 | 0.10 |
| AR | SEBASTIAN | 05131 | 0.10 |
| AR | SEVIER | 05133 | 0.00 |
| AR | SHARP | 05135 | 0.10 |
| AR | STONE | 05137 | 0.10 |
| AR | UNION | 05139 | 0.10 |
| AR | VAN BUREN | 05141 | 0.10 |
| AR | WASHINGTON | 05143 | 0.10 |
| AR | WHITE | 05145 | 0.10 |
| AR | WOODRUFF | 05147 | 0.10 |
| AR | YELL | 05149 | 0.10 |
| FL | ESCAMBIA | 12033 | 0.55 |
| FL | OKALOOSA | 12091 | 0.55 |
| FL | SANTA ROSA | 12113 | 0.55 |
| FL | WALTON | 12131 | 0.55 |
| GA | APPLING | 13001 | 1.15 |
| GA | ATKINSON | 13003 | 1.15 |
| GA | BACON | 13005 | 1.15 |
| GA | BAKER | 13007 | 0.85 |
| GA | BALDWIN | 13009 | 0.70 |
| GA | BANKS | 13011 | 0.70 |
| GA | BARROW | 13013 | 0.70 |
| GA | BARTOW | 13015 | 0.30 |
| GA | BEN HILL | 13017 | 1.15 |
| GA | BERRIEN | 13019 | 1.15 |
| GA | BIBB | 13021 | 0.70 |
| GA | BLECKLEY | 13023 | 1.00 |
| GA | BRANTLEY | 13025 | 1.15 |
| GA | BROOKS | 13027 | 1.15 |
| GA | BRYAN | 13029 | 1.15 |
| GA | BULLOCH | 13031 | 1.00 |
| GA | BURKE | 13033 | 0.70 |
| GA | BUTTS | 13035 | 0.70 |
| GA | CALHOUN | 13037 | 0.85 |
| GA | CAMDEN | 13039 | 1.15 |
| GA | CANDLER | 13043 | 1.00 |
| GA | CARROLL | 13045 | 0.70 |
| GA | CHARLTON | 13049 | 1.15 |
| GA | CHATHAM | 13051 | 1.15 |
| GA | CHATTAHOOCHEE | 13053 | 0.70 |
| GA | CHEROKEE | 13057 | 0.30 |
| GA | CLARKE | 13059 | 0.70 |
| GA | CLAY | 13061 | 0.85 |
| GA | CLAYTON | 13063 | 0.70 |
| GA | CLINCH | 13065 | 1.15 |
| GA | COBB | 13067 | 0.70 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| GA | COFFEE | 13069 | 1.15 |
| GA | COLQUITT | 13071 | 1.15 |
| GA | COLUMBIA | 13073 | 0.70 |
| GA | COOK | 13075 | 1.15 |
| GA | COWETA | 13077 | 0.70 |
| GA | CRAWFORD | 13079 | 0.70 |
| GA | CRISP | 13081 | 0.85 |
| GA | DAWSON | 13085 | 0.30 |
| GA | DECATUR | 13087 | 1.15 |
| GA | DE KALB | 13089 | 0.70 |
| GA | DODGE | 13091 | 0.85 |
| GA | DOOLY | 13093 | 0.85 |
| GA | DOUGHERTY | 13095 | 0.85 |
| GA | DOUGLAS | 13097 | 0.70 |
| GA | EARLY | 13099 | 0.85 |
| GA | ECHOLS | 13101 | 1.15 |
| GA | EFFINGHAM | 13103 | 1.00 |
| GA | ELBERT | 13105 | 0.70 |
| GA | EMANUEL | 13107 | 1.00 |
| GA | EVANS | 13109 | 1.15 |
| GA | FAYETTE | 13113 | 0.70 |
| GA | FLOYD | 13115 | 0.30 |
| GA | FORSYTH | 13117 | 0.70 |
| GA | FRANKLIN | 13119 | 0.70 |
| GA | FULTON | 13121 | 0.70 |
| GA | GILMER | 13123 | 0.30 |
| GA | GLASCOCK | 13125 | 0.90 |
| GA | GLYNN | 13127 | 1.15 |
| GA | GORDON | 13129 | 0.30 |
| GA | GRADY | 13131 | 1.15 |
| GA | GREENE | 13133 | 0.70 |
| GA | GWINNETT | 13135 | 0.70 |
| GA | HABERSHAM | 13137 | 0.30 |
| GA | HALL | 13139 | 0.70 |
| GA | HANCOCK | 13141 | 0.70 |
| GA | HARALSON | 13143 | 0.70 |
| GA | HARRIS | 13145 | 0.70 |
| GA | HART | 13147 | 0.70 |
| GA | HEARD | 13149 | 0.70 |
| GA | HENRY | 13151 | 0.70 |
| GA | HOUSTON | 13153 | 0.70 |
| GA | IRWIN | 13155 | 1.15 |
| GA | JACKSON | 13157 | 0.70 |
| GA | JASPER | 13159 | 0.70 |
| GA | JEFF DAVIS | 13161 | 1.15 |
| GA | JEFFERSON | 13163 | 0.70 |
| GA | JENKINS | 13165 | 1.00 |
| GA | JOHNSON | 13167 | 1.00 |
| GA | JONES | 13169 | 0.70 |
| GA | LAMAR | 13171 | 0.70 |
| GA | LANIER | 13173 | 1.15 |
| GA | LAURENS | 13175 | 1.00 |
| GA | LEE | 13177 | 0.85 |
| GA | LIBERTY | 13179 | 1.15 |
| GA | LINCOLN | 13181 | 0.70 |
| GA | LONG | 13183 | 1.15 |
| GA | LOWNDES | 13185 | 1.15 |
| GA | LUMPKIN | 13187 | 0.30 |
| GA | MC DUFFIE | 13189 | 0.70 |
| GA | MC INTOSH | 13191 | 1.15 |
| GA | MACON | 13193 | 0.70 |
| GA | MADISON | 13195 | 0.70 |
| GA | MARION | 13197 | 0.70 |
| GA | MERIWETHER | 13199 | 0.70 |
| GA | MILLER | 13201 | 0.85 |
| GA | MITCHELL | 13205 | 1.15 |
| GA | MONROE | 13207 | 0.70 |
| GA | MONTGOMERY | 13209 | 1.15 |
| GA | MORGAN | 13211 | 0.70 |
| GA | MUSCOGEE | 13215 | 0.70 |
| GA | NEWTON | 13217 | 0.70 |
| GA | OCONEE | 13219 | 0.70 |
| GA | OGLETHORPE | 13221 | 0.70 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| GA | PAULDING | 13223 | 0.70 |
| GA | PEACH | 13225 | 0.70 |
| GA | PICKENS | 13227 | 0.30 |
| GA | PIERCE | 13229 | 1.15 |
| GA | PIKE | 13231 | 0.70 |
| GA | POLK | 13233 | 0.70 |
| GA | PULASKI | 13235 | 0.85 |
| GA | PUTNAM | 13237 | 0.70 |
| GA | QUITMAN | 13239 | 0.85 |
| GA | RABUN | 13241 | 0.30 |
| GA | RANDOLPH | 13243 | 0.85 |
| GA | RICHMOND | 13245 | 0.70 |
| GA | ROCKDALE | 13247 | 0.70 |
| GA | SCHLEY | 13249 | 0.70 |
| GA | SCREVEN | 13251 | 1.00 |
| GA | SEMINOLE | 13253 | 1.15 |
| GA | SPALDING | 13255 | 0.70 |
| GA | STEPHENS | 13257 | 0.30 |
| GA | STEWART | 13259 | 0.55 |
| GA | SUMTER | 13261 | 0.85 |
| GA | TALBOT | 13263 | 0.70 |
| GA | TALIAFERRO | 13265 | 0.70 |
| GA | TATTNALL | 13267 | 1.15 |
| GA | TAYLOR | 13269 | 0.70 |
| GA | TELFAIR | 13271 | 1.15 |
| GA | TERRELL | 13273 | 0.85 |
| GA | THOMAS | 13275 | 1.15 |
| GA | TIFT | 13277 | 1.15 |
| GA | TOOMBS | 13279 | 1.15 |
| GA | TOWNS | 13281 | 0.30 |
| GA | TREUTLEN | 13283 | 1.00 |
| GA | TROUP | 13285 | 0.70 |
| GA | TURNER | 13287 | 0.85 |
| GA | TWIGGS | 13289 | 0.70 |
| GA | UNION | 13291 | 0.30 |
| GA | UPSON | 13293 | 0.70 |
| GA | WALTON | 13297 | 0.70 |
| GA | WARE | 13299 | 1.15 |
| GA | WARREN | 13301 | 0.70 |
| GA | WASHINGTON | 13303 | 0.70 |
| GA | WAYNE | 13305 | 1.15 |
| GA | WEBSTER | 13307 | 0.55 |
| GA | WHEELER | 13309 | 1.15 |
| GA | WHITE | 13311 | 0.30 |
| GA | WILCOX | 13315 | 0.85 |
| GA | WILKES | 13317 | 0.70 |
| GA | WILKINSON | 13319 | 0.70 |
| GA | WORTH | 13321 | 0.85 |
| KY | ALLEN | 21003 | 0.20 |
| KY | BALLARD | 21007 | 0.30 |
| KY | BARREN | 21009 | 0.20 |
| KY | CALDWELL | 21033 | 0.20 |
| KY | CALLOWAY | 21035 | 0.30 |
| KY | CARLISLE | 21039 | 0.30 |
| KY | CHRISTIAN | 21047 | 0.20 |
| KY | CRITTENDEN | 21055 | 0.20 |
| KY | FULTON | 21075 | 0.30 |
| KY | GRAVES | 21083 | 0.30 |
| KY | HICKMAN | 21105 | 0.30 |
| KY | LIVINGSTON | 21139 | 0.30 |
| KY | LOGAN | 21141 | 0.20 |
| KY | LYON | 21143 | 0.20 |
| KY | MC CRACKEN | 21145 | 0.30 |
| KY | MARSHALL | 21157 | 0.30 |
| KY | METCALFE | 21169 | 0.20 |
| KY | MONROE | 21171 | 0.50 |
| KY | SIMPSON | 21213 | 0.20 |
| KY | TODD | 21219 | 0.20 |
| KY | TRIGG | 21221 | 0.20 |
| KY | WARREN | 21227 | 0.20 |
| LA | ACADIA | 22001 | 0.30 |
| LA | ALLEN | 22003 | 0.30 |
| LA | ASCENSION | 22005 | 0.20 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| LA | ASSUMPTION | 22007 | 0.20 |
| LA | AVOYELLES | 22009 | 0.00 |
| LA | BEAUREGARD | 22011 | 0.30 |
| LA | BIENVILLE | 22013 | 0.00 |
| LA | BOSSIER | 22015 | 0.10 |
| LA | CADDO | 22017 | 0.10 |
| LA | CALCASIEU | 22019 | 0.30 |
| LA | CALDWELL | 22021 | 0.00 |
| LA | CAMERON | 22023 | 0.20 |
| LA | CATAHOULA | 22025 | 0.00 |
| LA | CLAIBORNE | 22027 | 0.10 |
| LA | CONCORDIA | 22029 | 0.00 |
| LA | DE SOTO | 22031 | 0.00 |
| LA | EAST BATON ROUGE | 22033 | 0.20 |
| LA | EAST CARROLL | 22035 | 0.20 |
| LA | EAST FELICIANA | 22037 | 0.30 |
| LA | EVANGELINE | 22039 | 0.30 |
| LA | FRANKLIN | 22041 | 0.00 |
| LA | GRANT | 22043 | 0.00 |
| LA | IBERIA | 22045 | 0.20 |
| LA | IBERVILLE | 22047 | 0.20 |
| LA | JACKSON | 22049 | 0.00 |
| LA | JEFFERSON | 22051 | 0.20 |
| LA | JEFFERSON DAVIS | 22053 | 0.30 |
| LA | LAFAYETTE | 22055 | 0.20 |
| LA | LAFOURCHE | 22057 | 0.20 |
| LA | LA SALLE | 22059 | 0.00 |
| LA | LINCOLN | 22061 | 0.10 |
| LA | LIVINGSTON | 22063 | 0.20 |
| LA | MADISON | 22065 | 0.00 |
| LA | MOREHOUSE | 22067 | 0.10 |
| LA | NATCHITOCHES | 22069 | 0.00 |
| LA | ORLEANS | 22071 | 0.20 |
| LA | OUACHITA | 22073 | 0.10 |
| LA | PLAQUEMINES | 22075 | 0.20 |
| LA | POINTE COUPEE | 22077 | 0.30 |
| LA | RAPIDES | 22079 | 0.00 |
| LA | RED RIVER | 22081 | 0.00 |
| LA | RICHLAND | 22083 | 0.20 |
| LA | SABINE | 22085 | 0.00 |
| LA | SAINT BERNARD | 22087 | 0.20 |
| LA | SAINT CHARLES | 22089 | 0.20 |
| LA | SAINT HELENA | 22091 | 0.30 |
| LA | SAINT JAMES | 22093 | 0.20 |
| LA | SAINT JOHN THE BAPTIST | 22095 | 0.20 |
| LA | SAINT LANDRY | 22097 | 0.30 |
| LA | SAINT MARTIN | 22099 | 0.20 |
| LA | SAINT MARY | 22101 | 0.20 |
| LA | SAINT TAMMANY | 22103 | 0.30 |
| LA | TANGIPAHOA | 22105 | 0.20 |
| LA | TENSAS | 22107 | 0.00 |
| LA | TERREBONNE | 22109 | 0.20 |
| LA | UNION | 22111 | 0.10 |
| LA | VERMILION | 22113 | 0.20 |
| LA | VERNON | 22115 | 0.00 |
| LA | WASHINGTON | 22117 | 0.30 |
| LA | WEBSTER | 22119 | 0.10 |
| LA | WEST BATON ROUGE | 22121 | 0.20 |
| LA | WEST CARROLL | 22123 | 0.10 |
| LA | WEST FELICIANA | 22125 | 0.30 |
| LA | WINN | 22127 | 0.00 |
| MS | ADAMS | 28001 | 0.00 |
| MS | ALCORN | 28003 | 0.30 |
| MS | AMITE | 28005 | 0.40 |
| MS | ATTALA | 28007 | 0.20 |
| MS | BENTON | 28009 | 0.30 |
| MS | BOLIVAR | 28011 | 0.10 |
| MS | CALHOUN | 28013 | 0.10 |
| MS | CARROLL | 28015 | 0.20 |
| MS | CHICKASAW | 28017 | 0.10 |
| MS | CHOCTAW | 28019 | 0.20 |
| MS | CLAIBORNE | 28021 | 0.10 |
| MS | CLARKE | 28023 | 0.50 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| MS | CLAY | 28025 | 0.20 |
| MS | COAHOMA | 28027 | 0.30 |
| MS | COPIAH | 28029 | 0.10 |
| MS | COVINGTON | 28031 | 0.00 |
| MS | DE SOTO | 28033 | 0.00 |
| MS | FORREST | 28035 | 0.40 |
| MS | FRANKLIN | 28037 | 0.00 |
| MS | GEORGE | 28039 | 0.40 |
| MS | GREENE | 28041 | 0.40 |
| MS | GRENADA | 28043 | 0.10 |
| MS | HANCOCK | 28045 | 0.30 |
| MS | HARRISON | 28047 | 0.30 |
| MS | HINDS | 28049 | 0.00 |
| MS | HOLMES | 28051 | 0.20 |
| MS | HUMPHREYS | 28053 | 0.20 |
| MS | ISSAQUENA | 28055 | 0.20 |
| MS | ITAWAMBA | 28057 | 0.30 |
| MS | JACKSON | 28059 | 0.30 |
| MS | JASPER | 28061 | 0.10 |
| MS | JEFFERSON | 28063 | 0.00 |
| MS | JEFFERSON DAVIS | 28065 | 0.00 |
| MS | JONES | 28067 | 0.40 |
| MS | KEMPER | 28069 | 0.30 |
| MS | LAFAYETTE | 28071 | 0.30 |
| MS | LAMAR | 28073 | 0.40 |
| MS | LAUDERDALE | 28075 | 0.10 |
| MS | LAWRENCE | 28077 | 0.00 |
| MS | LEAKE | 28079 | 0.20 |
| MS | LEE | 28081 | 0.30 |
| MS | LEFLORE | 28083 | 0.10 |
| MS | LINCOLN | 28085 | 0.00 |
| MS | LOWNDES | 28087 | 0.20 |
| MS | MADISON | 28089 | 0.20 |
| MS | MARION | 28091 | 0.40 |
| MS | MARSHALL | 28093 | 0.00 |
| MS | MONROE | 28095 | 0.20 |
| MS | MONTGOMERY | 28097 | 0.20 |
| MS | NESHOBA | 28099 | 0.20 |
| MS | NEWTON | 28101 | 0.10 |
| MS | NOXUBEE | 28103 | 0.30 |
| MS | OKTIBBEHA | 28105 | 0.20 |
| MS | PANOLA | 28107 | 0.30 |
| MS | PEARL RIVER | 28109 | 0.40 |
| MS | PERRY | 28111 | 0.40 |
| MS | PIKE | 28113 | 0.40 |
| MS | PONTOTOC | 28115 | 0.30 |
| MS | PRENTISS | 28117 | 0.30 |
| MS | QUITMAN | 28119 | 0.30 |
| MS | RANKIN | 28121 | 0.10 |
| MS | SCOTT | 28123 | 0.10 |
| MS | SHARKEY | 28125 | 0.20 |
| MS | SIMPSON | 28127 | 0.10 |
| MS | SMITH | 28129 | 0.10 |
| MS | STONE | 28131 | 0.40 |
| MS | SUNFLOWER | 28133 | 0.10 |
| MS | TALLAHATCHIE | 28135 | 0.10 |
| MS | TATE | 28137 | 0.00 |
| MS | TIPPAH | 28139 | 0.30 |
| MS | TISHOMINGO | 28141 | 0.30 |
| MS | TUNICA | 28143 | 0.00 |
| MS | UNION | 28145 | 0.30 |
| MS | WALTHALL | 28147 | 0.40 |
| MS | WARREN | 28149 | 0.00 |
| MS | WASHINGTON | 28151 | 0.10 |
| MS | WAYNE | 28153 | 0.40 |
| MS | WEBSTER | 28155 | 0.20 |
| MS | WILKINSON | 28157 | 0.40 |
| MS | WINSTON | 28159 | 0.20 |
| MS | YALOBUSHA | 28161 | 0.10 |
| MS | YAZOO | 28163 | 0.20 |
| MO | BARRY | 29009 | 0.20 |
| MO | BARTON | 29011 | 0.20 |
| MO | BOLLINGER | 29017 | 0.20 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| MO | BUTLER | 29023 | 0.20 |
| MO | CAPE GIRARDEAU | 29031 | 0.20 |
| MO | CARTER | 29035 | 0.20 |
| MO | CEDAR | 29039 | 0.20 |
| MO | CHRISTIAN | 29043 | 0.20 |
| MO | CRAWFORD | 29055 | 0.40 |
| MO | DADE | 29057 | 0.20 |
| MO | DALLAS | 29059 | 0.20 |
| MO | DENT | 29065 | 0.40 |
| MO | DOUGLAS | 29067 | 0.20 |
| MO | DUNKLIN | 29069 | 0.50 |
| MO | GREENE | 29077 | 0.20 |
| MO | HOWELL | 29091 | 0.20 |
| MO | IRON | 29093 | 0.40 |
| MO | JASPER | 29097 | 0.20 |
| MO | LACLEDE | 29105 | 0.20 |
| MO | LAWRENCE | 29109 | 0.20 |
| MO | MC DONALD | 29119 | 0.20 |
| MO | MADISON | 29123 | 0.20 |
| MO | MISSISSIPPI | 29133 | 0.50 |
| MO | NEW MADRID | 29143 | 0.50 |
| MO | NEWTON | 29145 | 0.20 |
| MO | OREGON | 29149 | 0.20 |
| MO | OZARK | 29153 | 0.20 |
| MO | PEMISCOT | 29155 | 0.50 |
| MO | PERRY | 29157 | 0.20 |
| MO | POLK | 29167 | 0.20 |
| MO | REYNOLDS | 29179 | 0.20 |
| MO | RIPLEY | 29181 | 0.20 |
| MO | SAINT FRANCOIS | 29187 | 0.40 |
| MO | SCOTT | 29201 | 0.20 |
| MO | SHANNON | 29203 | 0.20 |
| MO | STODDARD | 29207 | 0.20 |
| MO | STONE | 29209 | 0.20 |
| MO | TANEY | 29213 | 0.20 |
| MO | TEXAS | 29215 | 0.20 |
| MO | VERNON | 29217 | 0.20 |
| MO | WASHINGTON | 29221 | 0.40 |
| MO | WAYNE | 29223 | 0.20 |
| MO | WEBSTER | 29225 | 0.20 |
| MO | WRIGHT | 29229 | 0.20 |
| TN | BEDFORD | 47003 | 0.30 |
| TN | BENTON | 47005 | 0.30 |
| TN | BLEDSOE | 47007 | 0.60 |
| TN | CANNON | 47015 | 0.30 |
| TN | CARROLL | 47017 | 0.10 |
| TN | CHEATHAM | 47021 | 0.30 |
| TN | CHESTER | 47023 | 0.10 |
| TN | CLAY | 47027 | 0.30 |
| TN | COFFEE | 47031 | 0.60 |
| TN | CROCKETT | 47033 | 0.30 |
| TN | DAVIDSON | 47037 | 0.30 |
| TN | DECATUR | 47039 | 0.30 |
| TN | DE KALB | 47041 | 0.30 |
| TN | DICKSON | 47043 | 0.30 |
| TN | DYER | 47045 | 0.10 |
| TN | FAYETTE | 47047 | 0.10 |
| TN | FENTRESS | 47049 | 0.30 |
| TN | FRANKLIN | 47051 | 0.40 |
| TN | GIBSON | 47053 | 0.10 |
| TN | GILES | 47055 | 0.40 |
| TN | GRUNDY | 47061 | 0.60 |
| TN | HARDEMAN | 47069 | 0.10 |
| TN | HARDIN | 47071 | 0.10 |
| TN | HAYWOOD | 47075 | 0.30 |
| TN | HENDERSON | 47077 | 0.30 |
| TN | HENRY | 47079 | 0.10 |
| TN | HICKMAN | 47081 | 0.30 |
| TN | HOUSTON | 47083 | 0.30 |
| TN | HUMPHREYS | 47085 | 0.30 |
| TN | JACKSON | 47087 | 0.30 |
| TN | LAKE | 47095 | 0.10 |
| TN | LAUDERDALE | 47097 | 0.30 |

| State | Country/parish | FIPS | Class I price adjustment |
|---|---|---|---|
| TN | LAWRENCE | 47099 | 0.40 |
| TN | LEWIS | 47101 | 0.30 |
| TN | LINCOLN | 47103 | 0.40 |
| TN | MC NAIRY | 47109 | 0.10 |
| TN | MACON | 47111 | 0.30 |
| TN | MADISON | 47113 | 0.30 |
| TN | MARSHALL | 47117 | 0.30 |
| TN | MAURY | 47119 | 0.30 |
| TN | MONTGOMERY | 47125 | 0.30 |
| TN | MOORE | 47127 | 0.40 |
| TN | OBION | 47131 | 0.10 |
| TN | OVERTON | 47133 | 0.30 |
| TN | PERRY | 47135 | 0.30 |
| TN | PICKETT | 47137 | 0.30 |
| TN | PUTNAM | 47141 | 0.30 |
| TN | ROBERTSON | 47147 | 0.30 |
| TN | RUTHERFORD | 47149 | 0.30 |
| TN | SHELBY | 47157 | 0.10 |
| TN | SMITH | 47159 | 0.30 |
| TN | STEWART | 47161 | 0.30 |
| TN | SUMNER | 47165 | 0.30 |
| TN | TIPTON | 47167 | 0.10 |
| TN | TROUSDALE | 47169 | 0.30 |
| TN | VAN BUREN | 47175 | 0.60 |
| TN | WARREN | 47177 | 0.60 |
| TN | WAYNE | 47181 | 0.40 |
| TN | WEAKLEY | 47183 | 0.10 |
| TN | WHITE | 47185 | 0.30 |
| TN | WILLIAMSON | 47187 | 0.30 |
| TN | WILSON | 47189 | 0.30 |

[73 FR 14163, Mar. 17, 2008]

### § 1007.52 Adjusted Class I differentials.

See § 1000.52.

### § 1007.53 Announcement of class prices, component prices, and advanced pricing factors.

See § 1000.53.

### § 1007.54 Equivalent price.

See § 1000.54.

## UNIFORM PRICES

### § 1007.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (e) of this section and subtracting from that total amount the value computed in paragraph (f) of this section. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to § 1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts; except that for the months of January 2005 through March 2005, the Class I skim milk price for this purpose shall be the Class I skim milk price as determined in § 1000.50(b) plus $0.04 per hundredweight, and the Class I butterfat price for this purpose shall be the Class I butterfat price as determined in § 1000.50(c) plus $0.0004 per pound. The adjustments to the Class I skim milk and butterfat prices provided herein may be reduced by the market administrator for any month if the market administrator determines that the payments yet unpaid computed pursuant to paragraphs (g)(1) through (5) and paragraph (g)(7) of this section will be less than the amount computed pursuant to paragraph (g)(6)

of this section. The adjustments to the Class I skim milk and butterfat prices provided herein during the months of January 2005 through March 2005 shall be announced along with the prices announced in §1000.53(b);

(b) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) by the respective skim milk and butterfat prices applicable at the location of the pool plant;

(c) Multiply the difference between the Class IV price for the preceding month and the current month's Class I, II, or III price, as the case may be, by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(d) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants;

(e) Multiply the Class I skim milk and Class I butterfat prices applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(f) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

(g) For the months of January 2005 through March 2005 for handlers who have submitted proof satisfactory to the market administrator to determine eligibility for reimbursement of transportation costs, subtract an amount equal to:

(1) The cost of transportation on loads of producer milk delivered or rerouted to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(2) The cost of transportation on loads of producer milk delivered or rerouted to a pool supply plant that was then transferred to a pool distributing plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(3) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from a pool supply plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne;

(4) The cost of transportation on loads of bulk milk delivered or rerouted to a pool distributing plant from another order plant which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne; and

(5) The cost of transportation on loads of bulk milk transferred or diverted to a plant regulated under another Federal order or to other nonpool plants which were delivered as a result of hurricanes Charley, Frances, Ivan, and Jeanne.

(6) The total amount of payment to all handlers under this section shall be limited for each month to an amount determined by multiplying the total Class I producer milk for all handlers

pursuant to §1000.44(c) times $0.04 per hundredweight.

(7) If the cost of transportation computed pursuant to paragraphs (g)(1) through (5) of this section exceeds the amount computed pursuant to paragraph (g)(6) of this section, the market administrator shall prorate such payments to each handler based on each handler's proportion of transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section. Transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section which are not paid as a result of such a proration shall be included in each subsequent month's transportation costs submitted pursuant to paragraphs (g)(1) through (5) of this section until paid, or until the time period for such payments has concluded.

(8) The reimbursement of transportation costs pursuant to this section shall be the actual demonstrated cost of such transportation of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section, or the miles of transportation on loads of bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section multiplied by $2.25 per loaded mile, whichever is less.

(9) For each handler, the reimbursement of transportation costs pursuant to paragraph (g) of this section for bulk milk delivered or rerouted as described in paragraphs (g)(1) through (5) of this section shall be reduced by the amount of payments received for such milk movements from the transportation credit balancing fund pursuant to §1007.82.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000; 69 FR 71700, Dec. 10, 2004]

### §1007.61 Computation of uniform prices.

On or before the 11th day of each month, the market administrator shall compute a uniform butterfat price, a uniform skim milk price, and a uniform price for producer milk receipts reported for the prior month. The report of any handler who has not made payments required pursuant to §1007.71 for the preceding month shall not be included in the computation of these prices, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations.

(a) *Uniform butterfat price.* The uniform butterfat price per pound, rounded to the nearest one-hundredth cent, shall be computed by:

(1) Multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1000.44(b) by the respective class butterfat prices;

(2) Adding the butterfat value calculated in §1007.60(e) for other source milk allocated to Class I pursuant to §1000.43(d) and the steps of §1000.44(b) that correspond to §1000.44(a)(3)(i) and §1000.44(a)(8) by the Class I price; and

(3) Dividing the sum of paragraphs (a)(1) and (a)(2) of this section by the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section.

(b) *Uniform skim milk price.* The uniform skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(1) Combine into one total the values computed pursuant to §1007.60 for all handlers;

(2) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1007.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Subtract the value of the total pounds of butterfat for all handlers. The butterfat value shall be computed by multiplying the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section by the butterfat price computed in paragraph (a) of this section;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total skim pounds of producer milk; and

(ii) The total skim pounds for which a value is computed pursuant to §1007.60(e); and

(6) Subtract not less than 4 cents and not more than 5 cents.

(c) *Uniform price.* The uniform price per hundredweight, rounded to the nearest cent, shall be the sum of the following:

(1) Multiply the uniform butterfat price for the month pursuant to paragraph (a) of this section times 3.5 pounds of butterfat; and

(2) Multiply the uniform skim milk price for the month pursuant to paragraph (b) of this section times 96.5 pounds of skim milk.

[64 FR 47966, Sept. 1, 1999, as amended at 65 FR 82835, Dec. 28, 2000]

### § 1007.62 Announcement of uniform prices.

On or before the 11th day after the end of the month, the market administrator shall announce the uniform prices for the month computed pursuant to § 1007.61.

## PAYMENTS FOR MILK

### § 1007.70 Producer-settlement fund.

See § 1000.70.

### § 1007.71 Payments to the producer-settlement fund.

Each handler shall make a payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 12th day after the end of the month (except as provided in § 1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk of the handler for the month as determined pursuant to § 1007.60; and

(b) The sum of the value at the uniform prices for skim milk and butterfat, adjusted for plant location, of the handler's receipts of producer milk; and the value at the uniform price, as adjusted pursuant to § 1007.75, applicable at the location of the plant from which received of other source milk for which a value is computed pursuant to § 1007.60(e).

### § 1007.72 Payments from the producer-settlement fund.

No later than one day after the date of payment receipt required under § 1007.71, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1007.71(b) exceeds the amount computed pursuant to § 1007.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### § 1007.73 Payments to producers and to cooperative associations.

(a) Each handler that is not paying a cooperative association for producer milk shall pay each producer as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 23rd day of the month, payment shall be made so that it is received by the producer on or before the 26th day of the month (except as provided in § 1000.90) for milk received during the first 15 days of the month at not less than 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to § 1007.75 and proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, a payment computed as follows shall be made so that it is received by each producer one day after the payment date required in § 1007.72:

(i) Multiply the hundredweight of producer skim milk received times the uniform skim milk price for the month;

(ii) Multiply the pounds of butterfat received times the uniform butterfat price for the month;

(iii) Multiply the hundredweight of producer milk received times the plant location adjustment pursuant to § 1007.75; and

(iv) Add the amounts computed in paragraph (a)(2)(i), (ii), and (iii) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to §1000.86;

(C) Add or subtract for errors made in previous payments to the producer; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) One day before partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by 90 percent of the preceding month's uniform price, adjusted for plant location pursuant to §1007.75.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available for skim milk and butterfat at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment shall be the classified value of such milk as determined by multiplying the pounds of skim milk and butterfat assigned to each class pursuant to §1000.44 by the class prices for the month at the receiving plant's location, and subtracting from this sum the partial payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1007.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association described in §1000.9(a) or (c), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to this order;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundredweight, and nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47971, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000]

### § 1007.74 [Reserved]

### § 1007.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in § 1007.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§ 1007.73 and 1000.76.

### § 1007.76 Payments by a handler operating a partially regulated distributing plant.

See § 1000.76.

### § 1007.77 Adjustment of accounts.

See § 1000.77.

### § 1007.78 Charges on overdue accounts.

See § 1000.78.

MARKETWIDE SERVICE PAYMENTS

### § 1007.80 Transportation credit balancing fund.

The market administrator shall maintain a separate fund known as the *Transportation Credit Balancing Fund* into which shall be deposited the payments made by handlers pursuant to § 1007.81 and out of which shall be made the payments due handlers pursuant to § 1007.82. Payments due a handler shall be offset against payments due from the handler.

### § 1007.81 Payments to the transportation credit balancing fund.

(a) On or before the 12th day after the end of the month (except as provided in § 1000.90), each handler operating a pool plant and each handler specified in § 1000.9 (c) shall pay to the market administrator a transportation credit balancing fund assessment determined by multiplying the pounds of Class I producer milk assigned pursuant to § 1007.44 by $0.30 per hundredweight or such lesser amount as the market administrator deems necessary to maintain a balance in the fund equal to the total transportation credits disbursed during the prior June–February period to reflect any changes in the current mileage rate versus the mileage rate(s) in effect during the prior June–February period. In the event that during any month of the June–February period the fund balance is insufficient to cover the amount of credits that are due, the assessment should be based upon the amount of credits that would have been disbursed had the fund balance been sufficient.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in § 1000.90) the mileage rate pursuant to paragraph (a) of this section for the following month.

[71 FR 62379, Oct. 25, 2006, as amended at 73 FR 14171, Mar. 17, 2008]

### § 1007.82 Payments from the transportation credit balancing fund.

(a) Payments from the transportation credit balancing fund to handlers and cooperative associations requesting transportation credits shall be made as follows:

(1) On or before the 13th day (except as provided in § 1000.90) after the end of each of the months of January, February and July through December and any other month in which transportation credits are in effect pursuant to paragraph (b) of this section, the market administrator shall pay to each handler that received, and reported pursuant to § 1007.30(a)(5), bulk milk transferred from a plant fully regulated under another Federal order as

described in paragraph (c)(1) of this section or that received, and reported pursuant to §1007.30(a)(6), milk directly from producers' farms as specified in paragraph (c)(2) of this section, a preliminary amount determined pursuant to paragraph (d) of this section to the extent that funds are available in the transportation credit balancing fund. If an insufficient balance exists to pay all of the credits computed pursuant to this section, the market administrator shall distribute the balance available in the transportation credit balancing fund by reducing payments pro rata using the percentage derived by dividing the balance in the fund by the total credits that are due for the month. The amount of credits resulting from this initial proration shall be subject to audit adjustment pursuant to paragraph (a)(2) of this section.

(2) The market administrator shall accept adjusted requests for transportation credits on or before the 20th day of the month following the month for which such credits were requested pursuant to §1007.32(a). After such date, a preliminary audit will be conducted by the market administrator, who will recalculate any necessary proration of transportation credit payments for the preceding month pursuant to paragraph (a) of this section. Handlers will be promptly notified of an overpayment of credits based upon this final computation and remedial payments to or from the transportation credit balancing fund will be made on or before the next payment date for the following month;

(3) Transportation credits paid pursuant to paragraphs (a)(1) and (2) of this section shall be subject to final verification by the market administrator pursuant to §1000.77. Adjusted payments to or from the transportation credit balancing fund will remain subject to the final proration established pursuant to paragraph (a)(2) of this section; and

(4) In the event that a qualified cooperative association is the responsible party for whose account such milk is received and written documentation of this fact is provided to the market administrator pursuant to §1007.30(c)(3) prior to the date payment is due, the transportation credits for such milk computed pursuant to this section shall be made to such cooperative association rather than to the operator of the pool plant at which the milk was received.

(b) The market administrator may extend the period during which transportation credits are in effect (i.e., the transportation credit period) to the month of June if a written request to do so is received 15 days prior to the beginning of the month for which the request is made and, after conducting an independent investigation, finds that such extension is necessary to assure the market of an adequate supply of milk for fluid use. Before making such a finding, the market administrator shall notify the Deputy Administrator of Dairy Programs and all handlers in the market that an extension is being considered and invite written data, views, and arguments. Any decision to extend the transportation credit period must be issued in writing prior to the first day of the month for which the extension is to be effective.

(c) Transportation credits shall apply to the following milk:

(1) Bulk milk received at a pool distributing plant from a plant regulated under another Federal order, except Federal Order 1005; and

(2) Bulk milk received directly from the farms of dairy farmers at pool distributing plants subject to the following conditions:

(i) The dairy farmer was not a ''producer'' under this order for more than 45 days during the immediately preceding months of March through May, or not more than 50 percent of the production of the dairy farmer during those 3 months, in aggregate, was received as producer milk under this order during those 3 months; and

(ii) The farm on which the milk was produced is not located within the specified marketing area of the order in this part or the marketing area of Federal Order 1005 (7 CFR part 1005).

(iii) The market administrator may increase or decrease the milk production standard specified in paragraph (c)(2)(i) of this section if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making

such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(d) Transportation credits shall be computed as follows:

(1) The market administrator shall subtract from the pounds of milk described in paragraphs (c)(1) and (2) of this section the pounds of bulk milk transferred from the pool plant receiving the supplemental milk if milk was transferred to a nonpool plant on the same calendar day that the supplemental milk was received. For this purpose, the transferred milk shall be subtracted from the most distant load of supplemental milk received, and then in sequence with the next most distant load until all of the transfers have been offset;

(2) With respect to the pounds of milk described in paragraph (c)(1) of this section that remain after the computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine the shortest hard-surface highway distance between the shipping plant and the receiving plant;

(ii) Multiply the number of miles so determined by the mileage rate for the month computed pursuant to §1007.83(a)(6).

(iii) Subtract the applicable Class I price specified in §1000.50(a) for the county in which the shipping plant is located from the Class I price applicable for the county in which the receiving plant is located;

(iv) Subtract any positive difference computed in paragraph (d)(2)(iii) of this section from the amount computed in paragraph (d)(2)(ii) of this section; and

(v) Multiply the remainder computed in paragraph (d)(2)(iv) of this section by the hundredweight of milk described in paragraph (d)(2) of this section.

(3) For the remaining milk described in paragraph (c)(2) of this section after computations described in paragraph (d)(1) of this section, the market administrator shall:

(i) Determine an origination point for each load of milk by locating the nearest city to the last producer's farm from which milk was picked up for delivery to the receiving pool plant;

(ii) Determine the shortest hard-surface highway distance between the receiving pool plant and the origination point;

(iii) Subtract 85 miles from the mileage so determined;

(iv) Multiply the remaining miles so computed by the mileage rate for the month computed pursuant to §1007.83(a)(6).

(v) Subtract the Class I price specified in §1000.50(a) applicable for the county in which the origination point is located from the Class I price applicable at the receiving pool plant's location;

(vi) Subtract any positive difference computed in paragraph (d)(3)(v) of this section from the amount computed in paragraph (d)(3)(iv) of this section; and

(vii) Multiply the remainder computed in paragraph (d)(3)(vi) of this section by the hundredweight of milk described in paragraph (d)(3) of this section.

[64 FR 47971, Sept. 1, 1999, as amended at 70 FR 59223, Oct. 12, 2005; 71 FR 62380, Oct. 25, 2006; 73 FR 14171, Mar. 17, 2008]

### §1007.83 Mileage rate for the transportation credit balancing fund.

(a) The market administrator shall compute the mileage rate each month as follows:

(1) Compute the simple average rounded down to three decimal places for the most recent 4 weeks of the Diesel Price per Gallon as reported by the Energy Information Administration of the United States Department of Energy for the Lower Atlantic and Gulf Coast Districts combined.

(2) From the result in paragraph (a)(1) in this section subtract $1.42 per gallon;

(3) Divide the result in paragraph (a)(2) of this section by 5.5, and round down to three decimal places to compute the fuel cost adjustment factor;

(4) Add the result in paragraph (a)(3) of this section to $1.91;

(5) Divide the result in paragraph (a)(4) of this section by 480;

(6) Round the result in paragraph (a)(5) of this section down to five decimal places to compute the MRF.

(b) The market administrator shall announce publicly on or before the 23rd day of the month (except as provided in §1000.90) the mileage rate pursuant to paragraph (a) of this section for the following month.

[71 FR 62380, Oct. 25, 2006]

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### §1007.85 Assessment for order administration.

See §1000.85.

### §1007.86 Deduction for marketing services.

See §1000.86.

## PARTS 1011–1013 [RESERVED]

## PART 1030—MILK IN THE UPPER MIDWEST MARKETING AREA

### Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

1030.1 General provisions.

DEFINITIONS

1030.2 Upper Midwest marketing area.
1030.3 Route disposition.
1030.4 Plant.
1030.5 Distributing plant.
1030.6 Supply plant.
1030.7 Pool plant.
1030.8 Nonpool plant.
1030.9 Handler.
1030.10 Producer-handler.
1030.11 [Reserved]
1030.12 Producer.
1030.13 Producer milk.
1030.14 Other source milk.
1030.15 Fluid milk product.
1030.16 Fluid cream product.
1030.17 [Reserved]
1030.18 Cooperative association.
1030.19 Commercial food processing establishment.

HANDLER REPORTS

1030.30 Reports of receipts and utilization.
1030.31 Payroll reports.
1030.32 Other reports.

CLASSIFICATION OF MILK

1030.40 Classes of utilization.
1030.41 [Reserved]
1030.42 Classification of transfers and diversions.
1030.43 General classification rules.
1030.44 Classification of producer milk.
1030.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1030.50 Class prices, component prices, and advanced pricing factors.
1030.51 Class I differential and price.
1030.52 Adjusted Class I differentials.
1030.53 Announcement of class prices, component prices, and advanced pricing factors.
1030.54 Equivalent price.
1030.55 Transportation credits and assembly credits.

PRODUCER PRICE DIFFERENTIAL

1030.60 Handler's value of milk.
1030.61 Computation of producer price differential.
1030.62 Announcement of producer prices.

PAYMENTS FOR MILK

1030.70 Producer-settlement fund.
1030.71 Payments to the producer-settlement fund.
1030.72 Payments from the producer-settlement fund.
1030.73 Payments to producers and to cooperative associations.
1030.74 [Reserved]
1030.75 Plant location adjustments for producer milk and nonpool milk.
1030.76 Payments by a handler operating a partially regulated distributing plant.
1030.77 Adjustment of accounts.
1030.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1030.85 Assessment for order administration.
1030.86 Deduction for marketing services.

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

SOURCE: 64 FR 47978, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1030.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1030. In this part 1030, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1030.2 Upper Midwest marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

ILLINOIS COUNTIES

Boone, Carroll, Cook, De Kalb, Du Page, Jo Daviess, Kane, Kendall, Lake, Lee, McHenry, Ogle, Stephenson, Will, and Winnebago.

IOWA COUNTIES

Howard, Kossuth, Mitchell, Winnebago, Winneshiek, and Worth.

MICHIGAN COUNTIES

Delta, Dickinson, Gogebic, Iron, Menominee, and Ontonagon.

MINNESOTA

All counties except Lincoln, Nobles, Pipestone, and Rock.

NORTH DAKOTA COUNTIES

Barnes, Cass, Cavalier, Dickey, Grand Forks, Griggs, La Moure, Nelson, Pembina, Ramsey, Ransom, Richland, Sargent, Steele, Traill, and Walsh.

SOUTH DAKOTA COUNTIES

Brown, Day, Edmunds, Grant, Marshall, McPherson, Roberts, and Walworth.

WISCONSIN COUNTIES

All counties except Crawford and Grant.

### § 1030.3 Route disposition.

See § 1000.3.

### § 1030.4 Plant.

See § 1000.4.

### § 1030.5 Distributing plant.

See § 1000.5.

### § 1030.6 Supply plant.

See § 1000.6.

### § 1030.7 Pool plant.

*Pool plant* means a plant, unit of plants, or system of plants as specified in paragraphs (a) through (f) of this section, but excluding a plant specified in paragraph (h) of this section. The pooling standards described in paragraphs (c) and (f) of this section are subject to modification pursuant to paragraph (g) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or (§_____.7b) of any other Federal milk order, from which during the month 15 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 15 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which the quantity of bulk fluid milk products shipped to (and physically unloaded into) plants described in paragraph (c)(1) of this section is not less than 10 percent of the Grade A milk received from dairy farmers (except dairy farmers described in § 1030.12(b)) and handlers described in § 1000.9(c), including milk diverted pursuant to § 1030.13, subject to the following conditions:

(1) Qualifying shipments may be made to plants described in paragraphs (c)(1)(i) through (iv) of this section, except that whenever shipping requirements are increased pursuant to paragraph (g) of this section, only shipments to pool plants described in paragraphs (a), (b), and (e) of this section shall count as qualifying shipments for the purpose of meeting the increased shipments:

(i) Pool plants described in §1030.7(a), (b), (d), and (e);

(ii) Plants of producer-handlers;

(iii) Partially regulated distributing plants, except that credit for such shipments shall be limited to the amount of such milk classified as Class I at the transferee plant; and

(iv) Distributing plants fully regulated under other Federal orders, except that credit for shipments to such plants shall be limited to the quantity shipped to pool distributing plants during the month and credits for shipments to other order plants shall not include any such shipments made on the basis of agreed-upon Class II, Class III, or Class IV utilization.

(2) The operator of a supply plant located within the States of Illinois, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin and the Upper Peninsula of Michigan may include as qualifying shipments under this paragraph milk delivered directly from producers' farms pursuant to §§1000.9(c) or 1030.13(c) to plants described in paragraphs (a), (b), (d) and (e) of this section. Handlers may not use shipments pursuant to §1000.9(c) or §1030.13(c) to qualify plants located outside the area described above.

(3) Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the supply plant's shipping percentage.

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

(1) 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 exclusions:

(i) The plant is described in §1030.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1030.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

(e) Two or more plants operated by the same handler and located in the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements of a pool distributing plant specified in paragraph (a) of this section and subject to the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process Class I or Class II products, using 50 percent or more of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator in Class I or Class II products; and

(3) The operator of the unit has filed a written request with the market administrator prior to the first day of the month for which such status is desired to be effective. The unit shall continue from month-to-month thereafter without further notification. The handler shall notify the market administrator in writing prior to the first day of any

month for which termination or any change of the unit is desired.

(f) A system of 2 or more supply plants operated by one or more handlers may qualify for pooling by meeting the shipping requirements of paragraph (c) of this section in the same manner as a single plant subject to the following additional requirements:

(1) Each plant in the system is located within the marketing area or was a pool supply plant pursuant to §1030.7(c) for each of the 3 months immediately preceding the applicability date of this paragraph so long as it continues to maintain pool status. Cooperative associations may not use shipments pursuant to §1000.9(c) to qualify plants located outside the marketing area;

(2) The handler(s) establishing the system submits a written request to the market administrator on or before July 15 requesting that such plants qualify as a system for the period of August through July of the following year. Such request will contain a list of the plants participating in the system in the order, beginning with the last plant, in which the plants will be dropped from the system if the system fails to qualify. Each plant that qualifies as a pool plant within a system shall continue each month as a plant in the system through the following July unless the handler(s) establishing the system submits a written request to the market administrator that the plant be deleted from the system or that the system be discontinued. Any plant that has been so deleted from a system, or that has failed to qualify in any month, will not be part of any system for the remaining months through July. The handler(s) that established a system may add a plant operated by such handler(s) to a system if such plant has been a pool plant each of the 6 prior months and would otherwise be eligible to be in a system, upon written request to the market administrator no later than the 15th day of the prior month. In the event of an ownership change or the business failure of a handler that is a participant in a system, the system may be reorganized to reflect such changes if a written request to file a new marketing agreement is submitted to the market administrator; and

(3) If a system fails to qualify under the requirements of this paragraph, the handler responsible for qualifying the system shall notify the market administrator which plant or plants will be deleted from the system so that the remaining plants may be pooled as a system. If the handler fails to do so, the market administrator shall exclude one or more plants, beginning at the bottom of the list of plants in the system and continuing up the list as necessary until the deliveries are sufficient to qualify the remaining plants in the system.

(g) The applicable shipping percentages of paragraphs (c) and (f) of this section and §1030.13(d)(2), and (d)(3) may be increased or decreased, for all or part of the marketing area, by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping or diversion percentage must be issued in writing at least one day before the effective date.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler as defined under any Federal order;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant located within the marketing area and qualified pursuant to paragraph (a) of this section which meets the pooling requirements of another Federal order, and from which more than 50 percent of its route disposition has been in the other Federal order marketing area for 3 consecutive months;

(4) A plant located outside any Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant located in another Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(6) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order; and

(7) That portion of a regulated plant designated as a nonpool plant that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a regulated plant as a nonpool plant must be requested in advance and in writing by the handler and must be approved by the market administrator.

(i) Any plant that qualifies as a pool plant in each of the immediately preceding 3 months pursuant to paragraph (a) of this section or the shipping percentages in paragraph (c) of this section that is unable to meet such performance standards for the current month because of unavoidable circumstances determined by the market administrator to be beyond the control of the handler operating the plant, such as a natural disaster (ice storm, wind storm, flood), fire, breakdown of equipment, or work stoppage, shall be considered to have met the minimum performance standards during the period of such unavoidable circumstances, but such relief shall not be granted for more than 2 consecutive months.

[64 FR 47978, Sept. 1, 1999, as amended at 67 FR 19508, Apr. 22, 2002; 70 FR 31322, June 1, 2005; 71 FR 25499, May 1, 2006; 71 FR 28249, May 16, 2006]

### § 1030.8 Nonpool plant.

See § 1000.8.

### § 1030.9 Handler.

See § 1000.9.

### § 1030.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives fluid milk from own farm production or milk that is fully subject to the pricing and pooling provisions of the order in this part or any other Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in § 1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to § 1000.76(a) and payments into

the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47978, Sept. 1, 1999, as amended at 71 FR 25499, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1030.11 [Reserved]

### §1030.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1030.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1030.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1030.13 Producer milk.

Except as provided for in paragraph (e) of this section, *Producer milk* means the skim milk (or the skim equivalent of components of skim milk), including nonfat components, and butterfat in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in §1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in §1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a cooperative association described in §1000.9(c) to a nonpool plant located in the States of Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, and the Upper Peninsula of Michigan, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless at least one day's production of such dairy farmer is physically received as producer milk at a pool plant during the first month the dairy farmer is a producer. If a dairy farmer loses producer status under the order in this part (except as a result of a temporary loss of Grade A approval or as a result of the handler of the dairy farmer's milk failing to pool the milk under any order), the dairy farmer's milk shall not be eligible for diversion unless at least one day's production of the dairy farmer has been physically received as producer milk at a pool plant during the first month the dairy farmer is re-associated with the market;

(2) The quantity of milk diverted by a handler described in §1000.9(c) may not exceed 90 percent of the producer milk receipts reported by the handler pursuant to §1030.30(c) provided that not less than 10 percent of such receipts are delivered to plants described in §1030.7(c)(1)(i) through (iii). These percentages are subject to any adjustments that may be made pursuant to §1030.7(g); and

(3) The quantity of milk diverted to nonpool plants by the operator of a pool plant described in §1030.7(a), (b) or (d) may not exceed 90 percent of the Grade A milk received from dairy farmers (except dairy farmers described in §1030.12(b)) including milk diverted pursuant to §1030.13; and

(4) Diverted milk shall be priced at the location of the plant to which diverted.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

(f) The quantity of milk reported by a handler pursuant to either §1030.30(a)(1) or §1030.30(c)(1) for April through February may not exceed 125 percent, and March may not exceed 135 percent of the producer milk receipts pooled by the handler during the prior month. Milk diverted to nonpool plants reported in excess of this limit shall be removed from the pool. Milk in excess of this limit received at pool plants, other than pool distributing plants, shall be classified pursuant to §1000.44(a)(3)(v) and §1000.44(b). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information, the market administrator will make the determination. The following provisions apply:

(1) Milk shipped to and physically received at pool distributing plants in excess of the previous month's pooled volume shall not be subject to the 125 or 135 percent limitation;

(2) Producer milk qualified pursuant to §___.13 of any other Federal Order and continuously pooled in any Federal Order for the previous six months shall not be included in the computation of the 125 or 135 percent limitation;

(3) The market administrator may waive the 125 or 135 percent limitation:

(i) For a new handler on the order, subject to the provisions of §1030.13(f)(4), or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(4) A bloc of milk may be considered ineligible for pooling if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

[64 FR 47978, Sept. 1, 1999, as amended at 67 FR 19508, Apr. 22, 2002; 70 FR 31322, June 1, 2005; 71 FR 25499, May 1, 2006; 71 FR 63214, Oct. 30, 2006]

### §1030.14 Other source milk.

See §1000.14.

### §1030.15 Fluid milk product.

See §1000.15.

### §1030.16 Fluid cream product.

See §1000.16.

### §1030.17 [Reserved]

### §1030.18 Cooperative association.

See §1000.18.

### §1030.19 Commercial food processing establishment.

See §1000.19.

HANDLER REPORTS

### §1030.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 9th day after the end of the month, in the detail and on the prescribed forms, as follows:

(a) Each handler that operates a pool plant shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to §1000.50(p), contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in §1000.9(c); and

(ii) Receipts of milk from handlers described in §1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in §1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to §1000.50(p), contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### §1030.31 Payroll reports.

(a) On or before the 22nd day after the end of each month, each handler that operates a pool plant pursuant to §1030.7 and each handler described in §1000.9(c) shall report to the market administrator its producer payroll for the month, in the detail prescribed by the market administrator, showing for each producer the information described in §1030.73(f).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### §1030.32 Other reports.

In addition to the reports required pursuant to §§1030.30 and 1030.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## CLASSIFICATION OF MILK

### §1030.40 Classes of utilization.

See §1000.40.

### §1030.41 [Reserved]

### §1030.42 Classification of transfers and diversions.

See §1000.42.

### §1030.43 General classification rules.

See §1000.43.

### §1030.44 Classification of producer milk.

See §1000.44.

### §1030.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

## CLASS PRICES

### §1030.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

### §1030.51 Class I differential and price.

The Class I differential shall be the differential established for Cook County, Illinois, which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1000.50(a) for Cook County, Illinois.

### §1030.52 Adjusted Class I differentials.

See §1000.52.

**§ 1030.53 Announcement of class prices, component prices, and advanced pricing factors.**

See § 1000.53.

**§ 1030.54 Equivalent price.**

See § 1000.54.

**§ 1030.55 Transportation credits and assembly credits.**

(a) Each handler operating a pool distributing plant described in § 1030.7(a), (b), (d), or (e) that receives bulk milk from another pool plant shall receive a transportation credit for such milk computed as follows:

(1) Determine the hundredweight of milk eligible for the credit by completing the steps in paragraph (c) of this section;

(2) Multiply the hundredweight of milk eligible for the credit by .28 cents times the number of miles, not to exceed 400 miles, between the transferor plant and the transferee plant;

(3) Subtract the effective Class I price at the transferor plant from the effective Class I price at the transferee plant;

(4) Multiply any positive amount resulting from the subtraction in paragraph (a)(3) of this section by the hundredweight of milk eligible for the credit; and

(5) Subtract the amount computed in paragraph (a)(4) of this section from the amount computed in paragraph (a)(2) of this section. If the amount computed in paragraph (a)(4) of this section exceeds the amount computed in paragraph (a)(2) of this section, the transportation credit shall be zero.

(b) Each handler operating a pool distributing plant described in § 1030.7(a), (b), (d), or (e) that receives milk from dairy farmers, each handler that transfers or diverts bulk milk from a pool plant to a pool distributing plant, and each handler described in § 1000.9(c) that delivers producer milk to a pool distributing plant shall receive an assembly credit on the portion of such milk eligible for the credit pursuant to paragraph (c) of this section. The credit shall be computed by multiplying the hundredweight of milk eligible for the credit by $0.08.

(c) The following procedure shall be used to determine the amount of milk eligible for transportation and assembly credits pursuant to paragraphs (a) and (b) of this section:

(1) At each pool distributing plant, determine the aggregate quantity of Class I milk, excluding beginning inventory of packaged fluid milk products;

(2) Subtract the quantity of packaged fluid milk products received at the pool distributing plant from other pool plants and from nonpool plants if such receipts are assigned to Class I;

(3) Subtract the quantity of bulk milk shipped from the pool distributing plant to other plants to the extent that such milk is classified as Class I milk;

(4) Subtract the quantity of bulk milk received at the pool distributing plant from other order plants and unregulated supply plants that is assigned to Class I pursuant to §§ 1000.43(d) and 1000.44; and

(5) Assign the remaining quantity pro rata to physical receipts during the month from:

(i) Producers;

(ii) Handlers described in § 1000.9(c); and

(iii) Other pool plants.

(d) For purposes of this section, the distances to be computed shall be determined by the market administrator using the shortest available state and/or Federal highway mileage. Mileage determinations are subject to redetermination at all times. In the event a handler requests a redetermination of the mileage pertaining to any plant, the market administrator shall notify the handler of such redetermination within 30 days after the receipt of such request. Any financial obligations resulting from a change in mileage shall not be retroactive for any periods prior to the redetermination by the market administrator.

[64 FR 47978, Sept. 1, 1999, as amended at 70 FR 31322, June 1, 2005; 71 FR 25499, May 1, 2006]

PRODUCER PRICE DIFFERENTIAL

**§ 1030.60 Handler's value of milk.**

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of

each handler with respect to each of the handler's pool plants and of each handler described in §1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (i) of this section and subtracting from that total amount the values computed in paragraphs (j) and (k) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in §1000.44(a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under §1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Class I value. (1) Multiply the pounds of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) Class II value. (1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) Class III value. (1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) Class IV value. (1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Compute an adjustment for the somatic cell content of producer milk by multiplying the values reported pursuant to §1030.30(a)(1) and (c)(1) by the percentage of total producer milk allocated to Class II, Class III, and Class IV pursuant to §1000.44(c);

(f) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding step of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(g) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month and by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(h) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from plants regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(i) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any

other payment obligation under any order.

(j) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

(k) Compute the amount of credits applicable pursuant to §1030.55.

[64 FR 47978, Sept. 1, 1999, as amended at 65 FR 82836, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003]

### §1030.61 Computation of producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1030.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions of this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1030.60 for all handlers required to file reports prescribed in §1030.30;

(b) Subtract the total values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for which an obligation was computed pursuant to §1030.60 by the protein price, other solids price, and the butterfat price, respectively, and the total value of the somatic cell adjustment pursuant to §1030.30(a)(1) and (c)(1);

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1030.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to §1030.60(i); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be known as the producer price differential for the month.

[68 FR 7066, Feb. 12, 2003]

### §1030.62 Announcement of producer prices.

On or before the 13th day after the end of each month, the market administrator shall announce publicly the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The somatic cell adjustment rate;

(g) The average butterfat, nonfat solids, protein and other solids content of producer milk; and

(h) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

[64 FR 47978, Sept. 1, 1999, as amended at 65 FR 82837, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003; 68 FR 13618, Mar. 20, 2003]

## PAYMENTS FOR MILK

### §1030.70 Producer-settlement fund.

See §1000.70.

### §1030.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 15th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to §1030.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to §1000.44(c) by the producer price differential as adjusted pursuant to §1030.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices respectively;

(3) The total value of the somatic cell adjustment to producer milk; and

(4) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to §1030.60(i) by the producer price differential as adjusted pursuant to §1030.75 for the location of the plant from which received.

[64 FR 47978, Sept. 1, 1999, as amended at 65 FR 82836, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003]

### §1030.72 Payments from the producer-settlement fund.

No later than the 16th day after the end of each month (except as provided in §1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1030.71(b) exceeds the amount computed pursuant to §1030.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### §1030.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the date of this partial payment, payment shall be made so that it is received by each producer on or before the 26th day of the month (except as provided in §1000.90) for milk received during the first 15 days of the month from the producer at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made so that it is received by each producer no later than the 17th day after the end of the month (except as provided in §1000.90) in an amount equal to not less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential for the month as adjusted pursuant to §1030.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper deductions authorized in writing by such producer, and plus or minus adjustments for errors in previous payments to such producer subject to approval by the market administrator; and

(viii) Less deductions for marketing services pursuant to §1000.86.

(b) *Payments for milk received from cooperative association members.* On or before the day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in §1000.90), each handler shall pay to a cooperative association for milk from producers who market their milk through the cooperative association and who have authorized the cooperative to collect such payments on their behalf an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraphs (a)(1) and (a)(2) of this section.

(c) *Payment for milk received from cooperative association pool plants or from cooperatives as handlers pursuant to §1000.9(c).* On or before the day prior to

the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in §1000.90), each handler who receives fluid milk products at its plant from a cooperative association in its capacity as the operator of a pool plant or who receives milk from a cooperative association in its capacity as a handler pursuant to §1000.9(c), including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, shall pay the cooperative for such milk as follows:

(1) For bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant and for milk received from a cooperative association in its capacity as a handler pursuant to §1000.9(c) during the first 15 days of the month, at not less than the lowest announced class prices per hundredweight for the preceding month;

(2) For the total quantity of bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant, at not less than the total value of such products received from the association's pool plants, as determined by multiplying the respective quantities assigned to each class under §1000.44, as follows:

(i) The hundredweight of Class I skim milk times the Class I skim milk price for the month plus the pounds of Class I butterfat times the Class I butterfat price for the month. The Class I price to be used shall be that price effective at the location of the receiving plant;

(ii) The pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iii) The pounds of butterfat in Class II times the Class II butterfat price;

(iv) The pounds of nonfat solids in Class IV times the nonfat solids price;

(v) The pounds of butterfat in Class III and Class IV milk times the butterfat price;

(vi) The pounds of protein in Class III milk times the protein price;

(vii) The pounds of other solids in Class III milk times the other solids price;

(viii) The hundredweight of Class II, Class III, and Class IV milk times the somatic cell adjustment; and

(ix) Add together the amounts computed in paragraphs (c)(2)(i) through (viii) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section; and

(3) For the total quantity of milk received during the month from a cooperative association in its capacity as a handler under §1000.9(c) as follows:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to §1030.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Add together the amounts computed in paragraphs (c)(3)(i) through (v) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section.

(d) If a handler has not received full payment from the market administrator pursuant to §1030.72 by the payment date specified in paragraph (a), (b) or (c) of this section, the handler may reduce pro rata its payments to producers or to the cooperative association (with respect to receipts described in paragraph (b) of this section, prorating the underpayment to the volume of milk received from the cooperative association in proportion to the total milk received from producers by the handler), but not by more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(e) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the

event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(f) In making payments to producers pursuant to this section, each handler shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in §1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and payroll number of the producer;

(2) The daily and total pounds, and the month and dates such milk was received from that producer;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The somatic cell count of the producer's milk;

(5) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(6) The rate used in making payment if the rate is other than the applicable minimum rate;

(7) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(8) The net amount of payment to the producer or cooperative association.

[64 FR 47978, Sept. 1, 1999, as amended at 65 FR 82836, Dec. 28, 2000; 68 FR 7066, Feb. 12, 2003]

### §1030.74 [Reserved]

### §1030.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1030.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1030.73 and 1000.76.

### §1030.76 Payments by a handler operating a partially regulated distributing plant.

See §1000.76.

### §1030.77 Adjustment of accounts.

See §1000.77.

### §1030.78 Charges on overdue accounts.

See §1000.78.

## ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### §1030.85 Assessment for order administration.

On or before the payment receipt date specified under §1030.71, 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 8 cents per hundredweight with respect to:

(a) Receipts of producer milk (including the handler's own production) other than such receipts by a handler 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 §1030.60(h) and (i); 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).

[71 FR 63215; Oct. 30, 2006]

### §1030.86 Deduction for marketing services.

See §1000.86.

# PART 1032—MILK IN THE CENTRAL MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1032.1 General provisions.

DEFINITIONS

1032.2 Central marketing area.
1032.3 Route disposition.
1032.4 Plant.
1032.5 Distributing plant.
1032.6 Supply plant.
1032.7 Pool plant.
1032.8 Nonpool plant.
1032.9 Handler.
1032.10 Producer-handler.
1032.11 [Reserved]
1032.12 Producer.
1032.13 Producer milk.
1032.14 Other source milk.
1032.15 Fluid milk product.
1032.16 Fluid cream product.
1032.17 [Reserved]
1032.18 Cooperative association.
1032.19 Commercial food processing establishment.

HANDLER REPORTS

1032.30 Reports of receipts and utilization.
1032.31 Payroll reports.
1032.32 Other reports.

CLASSIFICATION OF MILK

1032.40 Classes of utilization.
1032.41 [Reserved]
1032.42 Classification of transfers and diversions.
1032.43 General classification rules.
1032.44 Classification of producer milk.
1032.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1032.50 Class prices, component prices, and advanced pricing factors.
1032.51 Class I differential and price.
1032.52 Adjusted Class I differentials.
1032.53 Announcement of class prices, component prices, and advanced pricing factors.
1032.54 Equivalent price.

PRODUCER PRICE DIFFERENTIAL

1032.60 Handler's value of milk.
1032.61 Computation of producer price differential.
1032.62 Announcement of producer prices.

PAYMENTS FOR MILK

1032.70 Producer-settlement fund.
1032.71 Payments to the producer-settlement fund.
1032.72 Payments from the producer-settlement fund.
1032.73 Payments to producers and to cooperative associations.
1032.74 [Reserved]
1032.75 Plant location adjustments for producer milk and nonpool milk.
1032.76 Payments by a handler operating a partially regulated distributing plant.
1032.77 Adjustment of accounts.
1032.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1032.85 Assessment for order administration.
1032.86 Deduction for marketing services.

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

SOURCE: 64 FR 47985, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1032.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1032. In this part 1032, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1032.2 Central marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

COLORADO COUNTIES

Adams, Arapahoe, Baca, Bent, Boulder, Broomfield, Chaffee, Clear Creek, Cheyenne, Crowley, Custer, Delta, Denver, Douglas, Eagle, El Paso, Elbert, Fremont, Garfield, Gilpin, Gunnison, Huerfano, Jefferson, Kiowa, Kit Carson, Lake, Larimer, Las Animas, Lincoln, Logan, Mesa, Montrose, Morgan, Otero, Park, Phillips, Pitkin, Prowers, Pueblo, Sedgwick, Summit, Teller, Washington, Weld, and Yuma.

ILLINOIS COUNTIES

Adams, Alexander, Bond, Brown, Bureau, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Johnson, Kankakee, Knox, La Salle, Lawrence, Livingston, Logan, McDonough, McLean, Macon, Macoupin, Madison, Marion, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, Saline, Sangamon, Schuyler, Scott, Shelby, St. Clair, Stark, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Williamson, and Woodford.

IOWA COUNTIES

All Iowa counties except Howard, Kossuth, Mitchell, Winnebago, Winneshiek, and Worth.

KANSAS

All of the State of Kansas.

MINNESOTA COUNTIES

Lincoln, Nobles, Pipestone, and Rock.

MISSOURI COUNTIES AND CITIES

The counties of Andrew, Atchison, Bates, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Daviess, De Kalb, Franklin, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Jackson, Jefferson, Johnson, Lafayette, Lincoln, Livingston, Mercer, Nodaway, Pettis, Platte, Putnam, Ray, Saline, Schuyler, St. Charles, St. Clair, Ste. Genevieve, St. Louis, Sullivan, Warren, and Worth; and the city of St. Louis.

NEBRASKA COUNTIES

Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Keith, Knox, Lancaster, Lincoln, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York.

OKLAHOMA

All of the State of Oklahoma.

SOUTH DAKOTA COUNTIES

Aurora, Beadle, Bon Homme, Brookings, Clark, Clay, Codington, Davison, Deuel, Douglas, Hamlin, Hanson, Hutchinson, Jerauld, Kingsbury, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Spink, Turner, Union, and Yankton.

WISCONSIN COUNTIES

Crawford and Grant.

[64 FR 47985, Sept. 1, 1999, as amended at 68 FR 48771, Aug. 15, 2003]

### § 1032.3 Route disposition.

See § 1000.3.

### § 1032.4 Plant.

See § 1000.4.

### § 1032.5 Distributing plant.

See § 1000.5.

### § 1032.6 Supply plant.

See § 1000.6.

### § 1032.7 Pool plant.

*Pool plant* means a plant, unit of plants, or system of plants as specified in paragraphs (a) through (f) of this section, or a plant specified in paragraph (i) of this section, but excluding a plant specified in paragraph (h) of this section. The pooling standards described in paragraphs (c) and (d) and (f) of this section are subject to modification pursuant to paragraph (g) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or _____.7(b) of any other Federal milk order, from which during the month 25 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 25 percent of the total quantity of fluid milk products physically received at the plant

(excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which the quantity of bulk fluid milk products shipped to (and physically unloaded into) plants described in paragraph (c)(1) of this section is not less than 25 percent during the months of August through February and 20 percent in all other months of the Grade A milk received from dairy farmers (except dairy farmers described in §1032.12(b)) and from handlers described in §1000.9(c), including milk diverted pursuant to §1032.13, subject to the following conditions:

(1) Qualifying shipments may be made to plants described in paragraphs (a) or (b) of this section;

(2) The operator of a pool plant located in the marketing area may include as qualifying shipments milk delivered directly from producer's farms pursuant to §1000.9(c) or §1032.13(c). Handlers may not use shipments pursuant to §1000.9(c) or §1032.13(c) to qualify plants located outside the marketing area;

(3) Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the supply plant's shipping percentage;

(4) No plant may qualify as a pool plant due to a reduction in the shipping percentage pursuant to paragraph (g) of this section unless it has been a pool supply plant during each of the immediately preceding 3 months.

(5) Shipments used in determining qualifying percentages shall be milk transferred or diverted to and physically received by pool distributing plants, less any transfers or diversions of bulk fluid milk products from such pool distributing plants.

(d) A plant located in the marketing area and operated by a cooperative association if, during the month or the immediately preceding 12-month period, 35 percent or more of the producer milk of members of the association (and any producer milk of nonmembers and members of another cooperative association which may be marketed by the cooperative association) is physically received in the form of bulk fluid milk products (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other than Class I) at plants specified in paragraph (a) or (b) of this section either directly from farms or by transfer from supply plants operated by the cooperative association and from plants of the cooperative association for which pool plant status has been requested under this paragraph subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b) or (c) of this section or under comparable provisions of another Federal order; and

(2) The plant is approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption in the marketing area.

(e) Two or more plants operated by the same handler and located in the marketing area may qualify for pool status as a unit by meeting the total and in-area route disposition requirements of a pool distributing plant specified in paragraph (a) of this section subject to the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process Class I or Class II products, using 50 percent or more of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator in Class I or Class II products, and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) The operator of the unit has filed a written request with the market administrator prior to the first day of the month for which such status is desired to be effective. The unit shall continue from month to month thereafter without further notification. The handler shall notify the market administrator in writing prior to the first day of any month for which termination or any change of the unit is desired.

(f) A system of supply plants may qualify for pooling if 2 or more plants operated by one or more handlers meet the applicable percentage requirements of paragraph (c) of this section in the same manner as a single plant, subject to the following additional requirements:

(1) Each plant in the system is located within the marketing area;

(2) The handler(s) establishing the system submits a written request to the market administrator on or before September 1 requesting that such plants qualify as a system for the period of September through August of the following year. Such request will contain a list of the plants participating in the system;

(3) Each plant included within a pool supply plant system shall continue each month as a plant in the system through the following August unless the handler(s) establishing the system submits a written request to the market administrator that the plant be deleted from the system or that the system be discontinued. Any plant that has been so deleted from a system, or that has failed to qualify in any month, will not be part of any system for the remaining months through August. No plant may be added in any subsequent month through the following August to a system that qualifies in September; and

(4) If a system fails to qualify under the requirements of this paragraph, the handler responsible for qualifying the system shall notify the market administrator which plant or plants will be deleted from the system so that the remaining plants may be pooled as a system. If the handler fails to do so, the market administrator shall exclude one or more plants, beginning at the bottom of the list of plants in the system and continuing up the list as necessary until the deliveries are sufficient to qualify the remaining plants in the system.

(g) The applicable shipping percentages of paragraphs (c), (d), and (f) of this section may be increased or decreased, for all or part of the marketing area, by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler as defined under any Federal order;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant located within the marketing area and qualified pursuant to paragraph (a) of this section which meets the pooling requirements of another Federal order, and from which more than 50 percent of its route disposition has been in the other Federal order marketing area for 3 consecutive months. On the basis of a written application made by the plant operator at least 15 days prior to the date for which a determination of the market administrator is to be effective, the market administrator may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(4) A plant located outside any Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant located in another Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of such other Federal order and

does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(6) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order; and

(7) That portion of a regulated plant designated as a nonpool plant that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a plant must be requested in advance and in writing by the handler and must be approved by the market administrator. Such nonpool status shall be effective on the first day of the month following approval of the request by the market administrator and thereafter for the longer of twelve (12) consecutive months or until notification of the desire to requalify as a pool plant, in writing, is received by the market administrator. Requalification will require deliveries to a pool distributing plant(s) as provided for in §1032.7(c). For requalification, handlers may not use milk delivered directly from producer's farms pursuant to §1000.9(c) or §1032.13(c) for the first month.

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

(1) 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 exclusions:

(i) The plant is described in §1032.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1032.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

[64 FR 47985, Sept. 1, 1999, as amended at 68 FR 7072, Feb. 12, 2003; 71 FR 25500, May 1, 2006; 71 FR 28249, May 16, 2006; 71 FR 63216, Oct. 30, 2006]

### §1032.8 Nonpool plant.

See §1000.8.

### §1032.9 Handler.

See §1000.9.

### §1032.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives fluid milk from own farm production or milk that is fully subject to the pricing and pooling provisions of the order in this part or any other Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or 1000.76(a).

[64 FR 47985, Sept. 1, 1999, as amended at 71 FR 25500, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1032.11 [Reserved]

### §1032.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1032.13; or (2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1032.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1032.13 Producer milk.

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk), including nonfat components, and butterfat in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in §1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in §1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a cooperative association described in §1000.9(c) to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion until milk of such dairy farmer has been physically received as producer milk at a pool plant and the dairy farmer has continuously retained producer status since that time. If a dairy farmer loses producer status under the order in this part (except as a result of a temporary loss of Grade A approval), the dairy farmer's milk shall not be eligible for diversion until milk of the dairy farmer has been physically received as producer milk at a pool plant;

(2) The equivalent of at least one day's milk production is caused by the handler to be physically received at a

pool plant in each of the months of January and February, and August through November;

(3) The equivalent of at least one day's milk production is caused by the handler to be physically received at a pool plant in each of the months of March through July and December if the requirement of paragraph (d)(2) of this section (§1032.13) in each of the prior months of August through November and January through February are not met, except in the case of a dairy farmer who marketed no Grade A milk during each of the prior months of August through November or January through February.

(4) Of the quantity of producer milk received during the month (including diversions, but excluding the quantity of producer milk received from a handler described in §1000.9(c)) the handler diverts to nonpool plants not more than 75 percent during the months of August through February, and not more than 80 percent during the months of March through July, provided that not less than 25 percent of such receipts in the months of August through February and 20 percent of the remaining months' receipts are delivered to plants described in §1032.7(a), (b), or (i).;

(5) Receipts used in determining qualifying percentages shall be milk transferred to or diverted to or physically received by a plant described in §1032.7(a), (b) or (i) less any transfer or diversion of bulk fluid milk products from such plants;

(6) Diverted milk shall be priced at the location of the plant to which diverted;

(7) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that are not to be producer milk, no milk diverted by the handler or cooperative association during the month to a nonpool plant shall be producer milk; and

(8) The applicable diversion limits in paragraph (d)(2) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

(f) The quantity of milk reported by a handler pursuant to §1032.30(a)(1) and/or §1032.30(c)(1) for the current month may not exceed 125 percent of the producer milk receipts pooled by the handler during the prior month. Milk diverted to nonpool plants reported in excess of this limit shall be removed from the pool. Milk received at pool plants in excess of the 125 percent limit, other than pool distributing plants, shall be classified pursuant to §1000.44(a)(3)(v). The handler must designate, by producer pick-up, which milk is to be removed from the pool. If the handler fails to provide this information the provisions of paragraph (d)(5) of this section shall apply. The following provisions apply:

(1) Milk shipped to and physically received at pool distributing plants shall not be subject to the 125 percent limitation;

(2) Producer milk qualified pursuant to §____.13 of any other Federal Order in the previous month shall not be included in the computation of the 125 percent limitation; provided that the producers comprising the milk supply have been continuously pooled on any Federal Order for the entirety of the most recent three consecutive months.

(3) The market administrator may waive the 125 percent limitation:

(i) For a new handler on the order, subject to the provisions of paragraph (f)(3) of this section, or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(4) A bloc of milk may be considered ineligible for pooling if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

[64 FR 47985, Sept. 1, 1999, as amended at 68 FR 7072, Feb. 12, 2003; 71 FR 25500, May 1, 2006; 71 FR 63217, Oct. 30, 2006]

### § 1032.14 Other source milk.

See § 1000.14.

### § 1032.15 Fluid milk product.

See § 1000.15.

### § 1032.16 Fluid cream product.

See § 1000.16.

### § 1032.17 [Reserved]

### § 1032.18 Cooperative association.

See § 1000.18.

### § 1032.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

### § 1032.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on the prescribed forms, as follows:

(a) Each handler that operates a pool plant pursuant to § 1032.7 shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to § 1000.50(p), contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c); and

(ii) Receipts of milk from handlers described in § 1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to § 1000.50(p), contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### § 1032.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1032.7 and each handler described in

§ 1000.9(c) shall report to the market administrator its producer payroll for the month, in the detail prescribed by the market administrator, showing for each producer the information described in § 1032.73(f).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### § 1032.32 Other reports.

In addition to the reports required pursuant to §§ 1032.30 and 1032.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## Classification of Milk

### § 1032.40 Classes of utilization.

See § 1000.40.

### § 1032.41 [Reserved]

### § 1032.42 Classification of transfers and diversions.

See § 1000.42.

### § 1032.43 General classification rules.

See § 1000.43.

### § 1032.44 Classification of producer milk.

See § 1000.44.

### § 1032.45 Market administrator's reports and announcements concerning classification.

See § 1000.45.

## Class Prices

### § 1032.50 Class prices, component prices, and advanced pricing factors.

See § 1000.50.

### § 1032.51 Class I differential and price.

The Class I differential shall be the differential established for Jackson County, Missouri, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1000.50(a) for Jackson County, Missouri.

### § 1032.52 Adjusted Class I differentials.

See § 1000.52.

### § 1032.53 Announcement of class prices, component prices, and advanced pricing factors.

See § 1000.53.

### § 1032.54 Equivalent price.

See § 1000.54.

## Producer Price Differential

### § 1032.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (i) of this section and subtracting from that total amount the value computed in paragraph (j) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in § 1000.44(a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) *Class I value.* (1) Multiply the pounds of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) *Class II value.* (1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) *Class III value.* (1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) *Class IV value.* (1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Compute an adjustment for the somatic cell content of producer milk by multiplying the values reported pursuant to §1032.30(a)(1) and (c)(1) by the percentage of total producer milk allocated to Class II, Class III, and Class IV pursuant to §1000.44(c);

(f) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding step of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(g) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(h) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(i) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(j) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

[64 FR 47985, Sept. 1, 1999, as amended at 65 FR 82837, Dec. 28, 2000; 68 FR 7067, Feb. 12, 2003]

### §1032.61 Computation of producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1032.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions of this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1032.60 for all handlers required to file reports prescribed in §1032.30;

(b) Subtract the total values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for which an obligation was computed pursuant to §1032.60 by the protein price, the other solids price, and the butterfat price, respectively, and the total value of the somatic cell adjustment pursuant to §1032.30(a)(1) and (c)(1);

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1032.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to §1032.60(i); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be known as the producer price differential for the month.

[68 FR 7067, Feb. 12, 2003]

### §1032.62 Announcement of producer prices.

On or before the 11th day after the end of each month, the market administrator shall announce publicly the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The somatic cell adjustment rate;

(g) The average butterfat, protein, nonfat solids, and other solids content of producer milk; and

(h) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

[64 FR 47985, Sept. 1, 1999, as amended at 65 FR 82838, Dec. 28, 2000; 68 FR 7067, Feb. 12, 2003]

PAYMENTS FOR MILK

### §1032.70 Producer-settlement fund.

See §1000.70.

### §1032.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 14th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to §1032.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to §1000.44(c) by the producer price differential as adjusted pursuant to §1032.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices respectively;

(3) The total value of the somatic cell adjustment to producer milk; and

(4) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to §1032.60(i) by the producer price differential as adjusted pursuant to §1032.75 for the location of the plant from which received.

[64 FR 47985, Sept. 1, 1999, as amended at 65 FR 82838, Dec. 28, 2000; 68 FR 7067, Feb. 12, 2003]

### §1032.72 Payments from the producer-settlement fund.

No later than the 15th day after the end of each month (except as provided in §1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1032.71(b) exceeds the amount computed pursuant to §1032.71(a). If, at such time, the balance

in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### § 1032.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the date of this partial payment, payment shall be made so that it is received by each producer on or before the 26th day of the month (except as provided in § 1000.90) for milk received during the first 15 days of the month from the producer at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made so that it is received by each producer no later than the 17th day after the end of the month (except as provided in § 1000.90) in an amount equal to not less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential for the month as adjusted pursuant to § 1032.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments to such producer; and

(viii) Less deductions for marketing services pursuant to § 1000.86.

(b) *Payments for milk received from cooperative association members.* On or before the day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in § 1000.90), each handler shall pay to a cooperative association for milk from producers who market their milk through the cooperative association and who have authorized the cooperative to collect such payments on their behalf an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraphs (a)(1) and (a)(2) of this section.

(c) *Payment for milk received from cooperative association pool plants or from cooperatives as handlers pursuant to § 1000.9(c).* On or before the day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in § 1000.90), each handler who receives fluid milk products at its plant from a cooperative association in its capacity as the operator of a pool plant or who receives milk from a cooperative association in its capacity as a handler pursuant to § 1000.9(c), including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, shall pay the cooperative for such milk as follows:

(1) For bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant and for milk received from a cooperative association in its capacity as a handler pursuant to § 1000.9(c) during the first 15 days of the month, at not less than the lowest announced class prices per hundredweight for the preceding month;

(2) For the total quantity of bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant, at not less than the total value of such products received from the association's pool plants, as determined by multiplying the respective quantities assigned to each class under § 1000.44 as follows:

(i) The hundredweight of Class I skim milk times the Class I skim milk price for the month plus the pounds of Class

I butterfat times the Class I butterfat price for the month. The Class I prices to be used shall be the prices effective at the location of the receiving plant;

(ii) The pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iii) The pounds of butterfat in Class II times the Class II butterfat price;

(iv) The pounds of nonfat solids in Class IV times the nonfat solids price;

(v) The pounds of butterfat in Class III and Class IV milk times the butterfat price;

(vi) The pounds of protein in Class III milk times the protein price;

(vii) The pounds of other solids in Class III milk times the other solids price;

(viii) The hundredweight of Class II, Class III, and Class IV milk times the somatic cell adjustment; and

(ix) Add together the amounts computed in paragraphs (c)(2)(i) through (viii) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section; and

(3) For the total quantity of milk received during the month from a cooperative association in its capacity as a handler under §1000.9(c) as follows:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to §1032.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month; and

(vi) Add together the amounts computed in paragraphs (c)(3)(i) through (v) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section.

(d) If a handler has not received full payment from the market administrator pursuant to §1032.72 by the payment date specified in paragraph (a), (b) or (c) of this section, the handler may reduce pro rata its payments to producers or to the cooperative association (with respect to receipts described in paragraph (b) of this section, prorating the underpayment to the volume of milk received from the cooperative association in proportion to the total milk received from producers by the handler), but not by more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(e) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(f) In making payments to producers pursuant to this section, each handler shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in §1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and payroll number of the producer;

(2) The daily and total pounds, and the month and dates such milk was received from that producer;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The somatic cell count of the producer's milk;

(5) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(6) The rate used in making payment if the rate is other than the applicable minimum rate;

(7) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(8) The net amount of payment to the producer or cooperative association.

[64 FR 47985, Sept. 1, 1999, as amended at 65 FR 82838, Dec. 28, 2000; 68 FR 7067, Feb. 12, 2003]

### § 1032.74 [Reserved]

### § 1032.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in § 1032.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§ 1032.73 and 1000.76.

### § 1032.76 Payments by a handler operating a partially regulated distributing plant.

See § 1000.76.

### § 1032.77 Adjustment of accounts.

See § 1000.77.

### § 1032.78 Charges on overdue accounts.

See § 1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### § 1032.85 Assessment for order administration.

See § 1000.85.

### § 1032.86 Deduction for marketing services.

See § 1000.86.

# PART 1033—MILK IN THE MIDEAST MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1033.1 General provisions.

DEFINITIONS

1033.2 Mideast marketing area.
1033.3 Route disposition.
1033.4 Plant.
1033.5 Distributing plant.
1033.6 Supply plant.
1033.7 Pool plant.
1033.8 Nonpool plant.
1033.9 Handler.
1033.10 Producer-handler.
1033.11 [Reserved]
1033.12 Producer.
1033.13 Producer milk.
1033.14 Other source milk.
1033.15 Fluid milk products.
1033.16 Fluid cream product.
1033.17 [Reserved]
1033.18 Cooperative association.
1033.19 Commercial food processing establishment.

HANDLER REPORTS

1033.30 Reports of receipts and utilization.
1033.31 Payroll reports.
1033.32 Other reports.

CLASSIFICATION OF MILK

1033.40 Classes of utilization.
1033.41 [Reserved]
1033.42 Classification of transfers and diversions.
1033.43 General classification rules.
1033.44 Classification of producer milk.
1033.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1033.50 Class prices, component prices, and advanced pricing factors.
1033.51 Class I differential and price.
1033.52 Adjusted Class I differentials.
1033.53 Announcement of class prices, component prices, and advanced pricing factors.
1033.54 Equivalent price.

PRODUCER PRICE DIFFERENTIAL

1033.60 Handler's value of milk.
1033.61 Computation of producer price differential.
1033.62 Announcement of producer prices.

PAYMENTS FOR MILK

1033.70 Producer-settlement fund.
1033.71 Payments to the producer-settlement fund.
1033.72 Payments from the producer-settlement fund.
1033.73 Payments to producers and to cooperative associations.
1033.74 [Reserved]
1033.75 Plant location adjustments for producer milk and nonpool milk.
1033.76 Payments by a handler operating a partially regulated distributing plant.
1033.77 Adjustment of accounts.
1033.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1033.85 Assessment for order administration.
1033.86 Deduction for marketing services.

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

SOURCE: 64 FR 47991, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

### GENERAL PROVISIONS

### § 1033.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1033. In this part 1033, all references to sections in part 1000 refer to part 1000 of this chapter.

### DEFINITIONS

### § 1033.2 Mideast marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

INDIANA COUNTIES

Adams, Allen, Bartholomew, Benton, Blackford, Boone, Brown, Carroll, Cass, Clay, Clinton, Dearborn, Decatur, De Kalb, Delaware, Elkhart, Fayette, Fountain, Franklin, Fulton, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Jefferson, Jennings, Johnson, Kosciusko, Lagrange, Lake, La Porte, Lawrence, Madison, Marion, Marshall, Miami, Monroe, Montgomery, Morgan, Newton, Noble, Ohio, Owen, Parke, Porter, Pulaski, Putnam, Randolph, Ripley, Rush, Shelby, St. Joseph, Starke, Steuben, Switzerland, Tippecanoe, Tipton, Union, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, and Whitley.

KENTUCKY COUNTIES

Boone, Boyd, Bracken, Campbell, Floyd, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Pendleton, Pike, and Robertson.

MICHIGAN COUNTIES

All counties except Delta, Dickinson, Gogebic, Iron, Menominee, and Ontonagon.

OHIO

The townships of Woodville and Madison in Sandusky County and all other counties in Ohio except Erie, Huron, and Ottawa.

PENNSYLVANIA COUNTIES

Allegheny, Armstrong, Beaver, Butler, Crawford, Erie, Fayette, Greene, Lawrence, Mercer, Venango, and Washington.

In Clarion County only the townships of Ashland, Beaver, Licking, Madison, Perry, Piney, Richland, Salem, and Toby.

All of Westmoreland County except the townships of Cook, Donegal, Fairfield, Ligonier, and St. Clair, and the boroughs of Bolivar, Donegal, Ligonier, New Florence, and Seward.

WEST VIRGINIA COUNTIES

Barbour, Boone, Brooke, Cabell, Calhoun, Doddridge, Fayette, Gilmer, Hancock, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, Mingo, Monongalia, Ohio, Pleasants, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wayne, Wetzel, Wirt, Wood, and Wyoming.

### § 1033.3 Route disposition.

See § 1000.3.

### § 1033.4 Plant.

See § 1000.4.

### § 1033.5 Distributing plant.

See § 1000.5.

### § 1033.6 Supply plant.

See § 1000.6.

### § 1033.7 Pool plant.

*Pool plant* means a plant, unit of plants, or system of plants as specified in paragraphs (a) through (f) of this section, or a plant specified in paragraph (j) of this section, but excluding a plant specified in paragraph (h) of this section. The pooling standards described in paragraphs (c) through (f) of this section are subject to modification pursuant to paragraph (g) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 30

percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 30 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which the quantity of bulk fluid milk products shipped to, received at, and physically unloaded into plants described in paragraph (a) or (b) of this section as a percent of the Grade A milk received at the plant from dairy farmers (except dairy farmers described in §1033.12(b)) and handlers described in §1000.9(c), as reported in §1033.30(a), is not less than 40 percent of the milk received from dairy farmers, including milk diverted pursuant to §1033.13, subject to the following conditions:

(1) Qualifying shipments pursuant to this paragraph may be made to the following plants, except whenever the authority provided in paragraph (g) of this section is applied to increase the shipping requirements specified in this section, only shipments to pool plants described in §1033.7(a) and (b), shall count as qualifying shipments for the purpose of meeting the increased shipments:

(i) Pool plants described in §1033.7(a) and (b);

(ii) Plants of producer-handlers;

(iii) Partially regulated distributing plants, except that credit for such shipments shall be limited to the amount of such milk classified as Class I at the transferee plant.

(2) The operator of a supply plant located within the marketing area may include deliveries to pool distributing plants directly from farms of producers pursuant to §1033.13(c) as up to 90 percent of the supply plant's qualifying shipments. Handlers may not use shipments pursuant to §1033.13(c) to qualify plants located outside the marketing area.

(3) Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the supply plant's shipping percentage.

(4) Shipments used in determining qualifying percentages shall be milk transferred or diverted and physically received by pool distributing plants, less any transfers or diversions of bulk fluid milk products from such pool distributing plants.

(5) A supply plant that does not meet the minimum delivery requirements specified in this paragraph to qualify for pool status in the current month because a distributing plant to which the supply plant delivered its fluid milk products during such month failed to qualify as a pool plant pursuant to paragraph (a) or (b) of this section shall continue to be a pool plant for the current month if such supply plant qualified as a pool plant in the 3 immediately preceding months.

(d) A plant located in the marketing area and operated by a cooperative association if, during the months of December through July 30 percent, during the month of August 35 percent and during the months of September through November 40 percent or more of the producer milk of members of the association is delivered to a distributing pool plant(s) or to a nonpool plant(s) and classified as Class I. Deliveries for qualification purposes may be made directly from the farm or by transfer from such association's plant, subject to the following conditions:

(1) The cooperative requests pool status for such plant;

(2) The 30 percent delivery requirement for the months of December through July may be met for the current month or it may be met on the basis of deliveries during the preceding 12-month period ending with the current month.

(3) The plant is approved by a duly constituted regulatory authority to handle milk for fluid consumption; and

(4) The plant does not qualify as a pool plant under paragraph (a), (b), or (c) of this section or under the similar provisions of another Federal order applicable to a distributing plant or supply plant.

(e) A plant located inside the marketing area which has been a pool plant under this order for twelve consecutive months, but is not otherwise qualified under this paragraph, if it has a marketing agreement with a cooperative association and it fulfills the following conditions:

(1) The aggregate monthly quantity supplied by all parties to such an agreement as a percentage of the producer milk receipts included in the unit during the months of August through November is not less than 45 percent and during the months of December through July is not less than 35 percent;

(2) Shipments for qualification purposes shall include both transfers from supply plants to plants described in paragraph (c)(1) of this section, and deliveries made direct from the farm to plants qualified under paragraph (a) of this section.

(f) A system of supply plants may qualify for pooling if 2 or more plants operated by one or more handlers meet the applicable percentage requirements of paragraph (c) of this section in the same manner as a single plant subject to the following additional requirements:

(1) Each plant in the system is located within the marketing area, or was a pool supply plant for each of the 3 months immediately preceding the effective date of this paragraph so long as it continues to maintain pool status. Cooperative associations may not use shipments pursuant to §1033.9(c) to qualify plants located outside the marketing area;

(2) A written notification to the market administrator listing the plants to be included in the system and the handler that is responsible for meeting the performance requirements of this paragraph under a marketing agreement certified to the market administrator by the designated handler and any others included in the system, and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the 5th working day following the month to which the notice applies. The listed plants included in the system shall also be in the sequence in which they shall qualify for pool plant status based on the minimum deliveries required. If the deliveries made are insufficient to qualify the entire system for pooling, the last listed plant shall be excluded from the system, followed by the plant next-to-last on the list, and continuing in this sequence until remaining listed plants have met the minimum shipping requirements; and

(3) Each plant that qualifies as a pool plant within a system shall continue each month as a plant in the system unless the plant subsequently fails to qualify for pooling, or the responsible handler submits a written notification to the market administrator prior to the first day of the month that the plant is to be deleted from the system, or that the system is to be discontinued. In any month of March through August, a system shall not contain any plant which was not qualified under this paragraph, either individually or as a member of a system, during the previous September through February.

(g) The applicable shipping percentages of paragraphs (c) through (f) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler as defined under any Federal order;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant located within the marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order, and from which more than 50 percent of its route disposition has been in the other Federal order marketing area for 3 consecutive months;

(4) A plant located outside any Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant located in another Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(6) A plant qualified pursuant to paragraph (c) of this section that also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order.

(i) Any plant that qualifies as a pool plant in each of the immediately preceding 3 months pursuant to paragraph (a) of this section or the shipping percentages in paragraph (c) of this section that is unable to meet such performance standards for the current month because of unavoidable circumstances determined by the market administrator to be beyond the control of the handler operating the plant, such as a natural disaster (ice storm, wind storm, flood), fire, breakdown of equipment, or work stoppage, shall be considered to have met the minimum performance standards during the period of such unavoidable circumstances, but such relief shall not be granted for more than 2 consecutive months.

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

(1) 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 exclusions:

(i) The plant is described in §1033.7(a) or (b);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1033.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

[64 FR 47991, Sept. 1, 1999, as amended at 67 FR 48744, July 26, 2002; 69 FR 34555, June 22, 2004; 70 FR 56112, Sept. 26, 2005; 71 FR 25500, May 1, 2006; 71 FR 28249, May 16, 2006]

### §1033.8 Nonpool plant.

See §1000.8.

### §1033.9 Handler.

See §1000.9.

### §1033.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives fluid milk from own farm production or that is fully subject to the pricing and pooling provisions of the order in this part or any other Federal order;

(c) Receives at its plant or acquires for route disposition no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfer of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 47991, Sept. 1, 1999, as amended at 71 FR 25500, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### §1033.11 [Reserved]

### §1033.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1033.13; or

(2) Received by a handler described in §1033.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1033.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1033.13 Producer milk.

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk), including nonfat components, and butterfat in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in §1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in §1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or by a cooperative association described in §1000.9(c) to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion until milk of such dairy farmer has been physically received as producer milk at a pool plant and the dairy farmer has continuously retained producer status since that time. If a dairy farmer loses producer status under the order in this part (except as a result of a temporary loss of Grade A approval), the dairy farmer's milk shall not be eligible for diversion until milk of the dairy farmer has been physically received as producer milk at a pool plant;

(2) The equivalent of at least two days' milk production is caused by the handler to be physically received at a pool plant in each of the months of August through November;

(3) The equivalent of at least two days' milk production is caused by the handler to be physically received at a pool plant in each of the months of December through July if the requirement of paragraph (d)(2) of this section (§1033.13) in each of the prior months of August through November are not met, except in the case of a dairy farmer who marketed no Grade A milk during each of the prior months of August through November.

(4) Of the total quantity of producer milk received during the month (including diversions but excluding the quantity of producer milk received from a handler described in §1000.9(c) or which is diverted to another pool plant), the handler diverted to nonpool plants not more than 50 percent in each of the months of August through February and 60 percent in each of the months of March through July.

(5) Diverted milk shall be priced at the location of the plant to which diverted;

(6) Any milk diverted in excess of the limits set forth in paragraph (d)(3) of this section shall not be producer milk. The diverting handler shall designate the dairy farmer deliveries that shall not be producer milk. If the handler fails to designate the dairy farmer deliveries which are ineligible, producer milk status shall be forfeited with respect to all milk diverted to nonpool plants by such handler; and

(7) The delivery day requirement in paragraphs (d)(2) and (d)(3) of this section and the diversion percentages in paragraph (d)(4) of this section may be increased or decreased by the market administrator if the market administrator finds that suhc revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise an applicable percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing plan imposed under the authority of another government entity.

(f) Producer milk of a handler shall not exceed the limits as established in §1033.13(f)(1) through §1033.13(f)(3).

(1) Producer milk for the months of April through February may not exceed 115 percent of the producer milk receipts of the prior month. Producer milk for March may not exceed 120 percent of producer receipts of the prior month; plus

(2) Milk shipped to and physically received at pool distributing plants and allocated to Class I use in excess of the volume allocated to Class I in the prior month; plus

(3) If a producer did not have any milk delivered to any plant as other than producer milk as defined under the order in this part or any other Federal milk order for the preceding three months; and the producer had milk qualified as producer milk on any other Federal order in the previous month, add the lesser of the following:

(i) Any positive difference of the volume of milk qualified as producer milk on any other Federal order in the previous month, less the volume of milk qualified as producer milk on any other Federal order in the current month, or

(ii) Any positive difference of the volume of milk qualified as producer milk under the order in this part in the current month, less the volume of milk qualified as producer milk under the order in this part in the previous month.

(4) Milk received at pool plants in excess of these limits shall be classified pursuant to §1000.44(a)(3)(v) and §1000.44(b). Milk diverted to nonpool plants reported in excess of this limit shall not be producer milk. The handler must designate, by producer pickup, which milk shall not be producer milk. If the handler fails to provide this information the provisions of §1033.13(d)(6) shall apply.

(5) The market administrator may waive these limitations:

(i) For a new handler on the order, subject to the provisions of §1033.13(f)(6), or

(ii) For an existing handler with significantly changed milk supply conditions due to unusual circumstances;

(6) Milk may not be considered producer milk if the market administrator determines that handlers altered the reporting of such milk for the purpose of evading the provisions of this paragraph.

[64 FR 47991, Sept. 1, 1999, as amended at 67 FR 48744, July 26, 2002; 69 FR 34555, June 22, 2004; 70 FR 56112, Sept. 26, 2005; 71 FR 63219, Oct. 30, 2006]

### §1033.14 Other source milk.

See §1000.14.

### §1033.15 Fluid milk products.

See §1000.15.

### §1033.16 Fluid cream product.

See §1000.16.

### §1033.17 [Reserved]

### §1033.18 Cooperative association.

See §1000.18.

### §1033.19 Commercial food processing establishment.

See §1000.19.

## HANDLER REPORTS

### §1033.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on the prescribed forms, as follows:

(a) Each handler that operates a pool plant pursuant to §1033.7 shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to §1000.50(p), contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in §1000.9(c); and

(ii) Receipts of milk from handlers described in §1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in §1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to §1000.50(p), contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### §1033.31 Payroll reports.

(a) On or before the 22nd day after the end of each month, each handler that operates a pool plant pursuant to §1033.7 and each handler described in §1000.9(c) shall report to the market administrator its producer payroll for the month, in the detail prescribed by the market administrator, showing for each producer the information described in §1033.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### §1033.32 Other reports.

In addition to the reports required pursuant to §§1033.30 and 1033.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## CLASSIFICATION OF MILK

### §1033.40 Classes of utilization.

See §1000.40.

### §1033.41 [Reserved]

### §1033.42 Classification of transfers and diversions.

See §1000.42.

### §1033.43 General classification rules.

See §1000.43.

### §1033.44 Classification of producer milk.

See §1000.44.

### §1033.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

## CLASS PRICES

### §1033.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

### §1033.51 Class I differential and price.

The Class I differential shall be the differential established for Cuyahoga County, Ohio which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1000.50(a) for Cuyahoga County, Ohio.

### §1033.52 Adjusted Class I differentials.

See §1000.52.

### §1033.53 Announcement of class prices, component prices, and advanced pricing factors.

See §1000.53.

### §1033.54 Equivalent price.

See §1000.54.

## PRODUCER PRICE DIFFERENTIAL

### §1033.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in §1000.9(c) with respect to milk that was not received at

a pool plant by adding the amounts computed in paragraphs (a) through (i) of this section and subtracting from that total amount the value computed in paragraph (j) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in §1000.44(a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under §1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Class I value.

(1) Multiply the pounds of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) Class II value.

(1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) Class III value.

(1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) Class IV value.

(1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Compute an adjustment for the somatic cell content of producer milk by multiplying the values reported pursuant to §033.30(a)(1) and (c)(1) by the percentage of total producer milk allocated to Class II, Class III, and Class IV pursuant to §1000.44(c);

(f) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding step of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(g) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(h) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from a plant regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(i) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(j) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

[64 FR 47991, Sept. 1, 1999, as amended at 65 FR 82838, Dec. 28, 2000; 68 FR 7067, Feb. 12, 2003]

### §1033.61 Computation of producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1033.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions of this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1033.60 for all handlers required to file reports prescribed in §1033.30;

(b) Subtract the total values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for which an obligation was computed pursuant to §1033.60 by the protein price, the other solids price, and the butterfat price, respectively, and the total value of the somatic cell adjustment pursuant to §1033.30(a)(1) and (c)(1);

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1033.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to §1033.60(i); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be known as the producer price differential for the month.

[68 FR 7067, Feb. 12, 2003]

### §1033.62 Announcement of producer prices.

On or before the 13th day after the end of each month, the market administrator shall announce publicly the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The somatic cell adjustment rate;

(g) The average butterfat, protein, nonfat solids, and other solids content of producer milk; and

(h) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

[64 FR 47991, Sept. 1, 1999, as amended at 65 FR 82839, Dec. 28, 2000; 68 FR 7068, Feb. 12, 2003]

## PAYMENTS FOR MILK

### §1033.70 Producer-settlement fund.

See §1000.70.

### §1033.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 15th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to §1033.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to §1000.44(c) by the producer price differential as adjusted pursuant to §1033.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices, respectively;

(3) The total value of the somatic cell adjustment to producer milk; and

(4) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to §1033.60(i) by the producer price differential as adjusted pursuant to §1033.75 for the location of the plant from which received.

[64 FR 47991, Sept. 1, 1999, as amended at 65 FR 82839, Dec. 28, 2000; 68 FR 7068, Feb. 12, 2003]

### §1033.72 Payments from the producer-settlement fund.

No later than the 16th day after the end of each month (except as provided in §1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1033.71(b) exceeds the amount computed pursuant to §1033.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### §1033.73 Payments to producers and to cooperative associations.

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the date of this partial payment, payment shall be made so that it is received by each producer on or before the 26th day of the month (except as provided in §1000.90) for milk received during the first 15 days of the month from the producer at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made so that it is received by each producer no later than the 17th day after the end of the month (except as provided in §1000.90) in an amount equal to not less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential for the month as adjusted pursuant to §1033.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) The hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Less any payment made pursuant to paragraph (a)(1) of this section;

(vii) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments to such producer; and

(viii) Less deductions for marketing services pursuant to §1000.86.

(b) *Payments for milk received from cooperative associations.* On or before the day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in §1000.90), each handler shall pay to a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association.* For bulk fluid milk/skimmed milk received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the partial payment shall be equal to the hundredweight of milk received multiplied by the lowest announced class price for the preceding month.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk/skimmed milk products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial

payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* Following the classification of bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment for such receipts shall be determined as follows:

(i) The hundredweight of Class I skim milk times the Class I skim milk price for the month plus the pounds of Class I butterfat times the Class I butterfat price for the month. The Class I prices to be used shall be the prices effective at the location of the receiving plant;

(ii) The pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iii) The pounds of butterfat in Class II times the Class II butterfat price;

(iv) The pounds of nonfat solids in Class IV times the nonfat solids price;

(v) The pounds of butterfat in Class III and Class IV milk times the butterfat price;

(vi) The pounds of protein in Class III milk times the protein price;

(vii) The pounds of other solids in Class III milk times the other solids price;

(viii) The hundredweight of Class II, Class III, and Class IV milk times the somatic cell adjustment; and

(ix) Add together the amounts computed in paragraphs (b)(3)(i) through (viii) of this section and from that sum deduct any payment made pursuant to paragraph (b)(2) of this section; and

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1033.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce payments pursuant to paragraphs (a) and (b) of this section, but not by more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(e) In making payments to producers pursuant to this section, each handler shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in §1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and payroll number of the producer;

(2) The daily and total pounds, and the month and dates such milk was received from that producer;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The somatic cell count of the producer's milk;

(5) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(6) The rate used in making payment if the rate is other than the applicable minimum rate;

(7) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(8) The net amount of payment to the producer or cooperative association.

[64 FR 47991, Sept. 1, 1999, as amended at 65 FR 82839, Dec. 28, 2000; 68 FR 7068, Feb. 12, 2003]

### § 1033.74 [Reserved]

### § 1033.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in § 1033.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§ 1033.73 and 1000.76.

### § 1033.76 Payments by a handler operating a partially regulated distributing plant.

See § 1000.76.

### § 1033.77 Adjustment of accounts.

See § 1000.77.

### § 1033.78 Charges on overdue accounts.

See § 1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### § 1033.85 Assessment for order administration.

See § 1000.85.

### § 1033.86 Deduction for marketing services.

See § 1000.86.

## PARTS 1036–1120 [RESERVED]

# PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.

1124.1 General provisions.

DEFINITIONS

1124.2 Pacific Northwest marketing area.
1124.3 Route disposition.
1124.4 Plant.
1124.5 Distributing plant.
1124.6 Supply plant.
1124.7 Pool plant.
1124.8 Nonpool plant.
1124.9 Handler.
1124.10 Producer-handler.
1124.11 Cooperative reserve supply unit.
1124.12 Producer.
1124.13 Producer milk.
1124.14 Other source milk.
1124.15 Fluid milk product.
1124.16 Fluid cream product.
1124.17 [Reserved]
1124.18 Cooperative association.
1124.19 Commercial food processing establishment.

HANDLER REPORTS

1124.30 Reports of receipts and utilization.
1124.31 Payroll reports.
1124.32 Other reports.

CLASSIFICATION OF MILK

1124.40 Classes of utilization.
1124.41 [Reserved]
1124.42 Classification of transfers and diversions.
1124.43 General classification rules.
1124.44 Classification of producer milk.
1124.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1124.50 Class prices, component prices, and advanced pricing factors.
1124.51 Class I differential and price.
1124.52 Adjusted Class I differentials.
1124.53 Announcement of class prices, component prices, and advanced pricing factors.
1124.54 Equivalent price.

PRODUCER PRICE DIFFERENTIAL

1124.60 Handler's value of milk.
1124.61 Computation of producer price differential.
1124.62 Announcement of producer prices.

PAYMENTS FOR MILK

1124.70 Producer-settlement fund.
1124.71 Payments to the producer-settlement fund.
1124.72 Payments from the producer-settlement fund.
1124.73 Payments to producers and to cooperative associations.
1124.74 [Reserved]
1124.75 Plant location adjustments for producer milk and nonpool milk.

1124.76 Payments by a handler operating a partially regulated distributing plant.
1124.77 Adjustment of accounts.
1124.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1124.85 Assessment for order administration.
1124.86 Deduction for marketing services.

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

SOURCE: 64 FR 47998, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1124.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1124. In this part 1124, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1124.2 Pacific Northwest marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

IDAHO COUNTIES

Benewah, Bonner, Boundary, Kootenai, Latah, and Shoshone.

OREGON COUNTIES

Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Wasco, Washington, Wheeler, and Yamhill.

WASHINGTON

All of the State of Washington.

### § 1124.3 Route disposition.

See § 1000.3.

### § 1124.4 Plant.

See § 1000.4.

### § 1124.5 Distributing plant.

See § 1000.5.

### § 1124.6 Supply plant.

See § 1000.6.

### § 1124.7 Pool plant.

*Pool plant* means a plant, unit of plants, or a system of plants as specified in paragraphs (a) through (f) of this section, but excluding a plant specified in paragraph (h) of this section. The pooling standards described in paragraph (c) of this section are subject to modification pursuant to paragraph (g) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 25 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 25 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which during any month not less than 20 percent of the total quantity of milk that is physically received at such plant from dairy farmers eligible to be producers pursuant to § 1124.12 (excluding milk received at such plant as diverted milk from another plant, which milk is classified other than Class I under the order in this part and is subject to the pricing and pooling provisions of this or another order issued pursuant to the

Act) or diverted as producer milk to another plant pursuant to §1124.13, is shipped in the form of a fluid milk product (excluding concentrated milk transferred by agreement for other than Class I use) to a pool distributing plant or is a route disposition in the marketing area of fluid milk products processed and packaged at such plant;

(1) A supply plant that has qualified as a pool plant during each of the immediately preceding months of September through February shall continue to so qualify in each of the following months of March through August, unless the plant operator files a written request with the market administrator that such plant not be a pool plant, such nonpool status to be effective the first month following such request and thereafter until the plant qualifies as a pool plant on the basis of milk shipments;

(2) No plant may qualify as a pool plant due to a reduction in the shipping percentage pursuant to paragraph (g) of this section unless it has been a pool supply plant during each of the immediately preceding 3 months.

(d) A manufacturing plant located within the marketing area and operated by a cooperative association, or its wholly owned subsidiary, if, during the month, or the immediately preceding 12-month period ending with the current month, 20 percent or more of the producer milk of members of the association (and any producer milk of nonmembers and members of another cooperative association which may be marketed by the cooperative association) is physically received in the form of bulk fluid milk products (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other that Class I) at plants specified in paragraph (a), (b), or (e) of this section either directly from farms or by transfer from supply plants operated by the cooperative association, or its wholly owned subsidiary, and from plants of the cooperative association, or its wholly owned subsidiary, for which pool plant status has been requested under this paragraph subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), (c), or (e) of this section or under comparable provisions of another Federal order; and

(2) The plant is approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption in the marketing area.

(3) A request is filed in writing with the market administrator before the first day of the month for which it is to be effective. The request will remain in effect until a cancellation request is filed in writing with the market administrator before the first day of the month for which the cancellation is to be effective.

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

(1) 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 exclusions:

(i) The plant is described in §1124.7(a) or (b);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1124.10 with less than three million pounds during the month of route dispositions and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

(f) A system of two or more plants identified in §1124.7(d) operated by one or more cooperative handlers may qualify for pooling by meeting the

above shipping requirements subject to the following additional requirements:

(1) The cooperative handler(s) establishing the system submits a written request to the market administrator on or before the first day of the month for which the system is to be effective requesting that such plants qualify as a system. Such request will contain a list of the plants participating in the system in the order, beginning with the last plant, in which the plants will be dropped from the system if the system fails to qualify. Each plant that qualifies as a pool plant within a system shall continue each month as a plant in the system until the handler(s) establishing the system submits a written request before the first day of the month to the market administrator that the plant be deleted from the system or that the system be discontinued. Any plant that has been so deleted from a system, or that has failed to qualify in any month, will not be part of any system. In the event of an ownership change or the business failure of a handler that is a participant in the system, the system may be reorganized to reflect such a change if a written request to file a new marketing agreement is submitted to the market administrator; and

(2) If a system fails to qualify under the requirement of this paragraph, the handler responsible for qualifying the system shall notify the market administrator of which plant or plants will be deleted from the system so that the remaining plants may be pooled as a system. If the handler fails to do so, the market administrator shall exclude one or more plants, beginning at the bottom of the list of plants in the system and continue up the list as necessary until the deliveries are sufficient to qualify the remaining plants in the system.

(g) The applicable shipping percentage of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired to be effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(h) The term pool plant shall not apply to the following plants:

(1) A producer-handler as defined under any Federal order;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant located within the marketing area and qualified pursuant to paragraph (a) of this section which meets the pooling requirements of another Federal order, and from which more than 50 percent of its route disposition has been in the other Federal order marketing area for 3 consecutive months;

(4) A plant located outside any Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant located in another Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area; and

(6) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part,

or the plant has automatic pooling status under the other Federal order.

[64 FR 47998, Sept. 1, 1999, as amended at 67 FR 69669, Nov. 19, 2002; 71 FR 25501, May 1, 2006; 71 FR 28249, May 16, 2006]

### § 1124.8 Nonpool plant.

See § 1000.8.

### § 1124.9 Handler.

See § 1000.9.

### § 1124.10 Producer-handler.

*Producer-handler* means a person who operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds, and who the market administrator has designated a producer-handler after determining that all of the requirements of this section have been met.

(a) *Requirements for designation.* Designation of any person as a producer-handler by the market administrator shall be contingent upon meeting the conditions set forth in paragraphs (a)(1) through (5) of this section. Following the cancellation of a previous producer-handler designation, a person seeking to have their producer-handler designation reinstated must demonstrate that these conditions have been met for the preceding month.

(1) The care and management of the dairy animals and the other resources and facilities designated in paragraph (b)(1) of this section necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) are under the complete and exclusive control, ownership and management of the producer-handler and are operated as the producer-handler's own enterprise and its own risk.

(2) The plant operation designated in paragraph (b)(2) of this section at which the producer-handler processes and packages, and from which it distributes, its own milk production is under the complete and exclusive control, ownership and management of the producer-handler and is operated as the producer-handler's own enterprise and at its sole risk.

(3) The producer-handler neither receives at its designated milk production resources and facilities nor receives, handles, processes, or distributes at or through any of its designated milk handling, processing, or distributing resources and facilities other source milk products for reconstitution into fluid milk products or fluid milk products derived from any source other than:

(i) Its designated milk production resources and facilities (own farm production);

(ii) Pool handlers and plants regulated under any Federal order within the limitation specified in paragraph (c)(2) of this section; or

(iii) Nonfat milk solids which are used to fortify fluid milk products.

(4) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(5) No milk produced by the herd(s) or on the farm(s) that supply milk to the producer-handler's plant operation is:

(i) Subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program under the authority of a State government maintaining marketwide pooling of returns, or

(ii) Marketed in any part as Class I milk to the non-pool distributing plant of any other handler.

(b) *Designation of resources and facilities.* Designation of a person as a producer-handler shall include the determination of what shall constitute milk production, handling, processing, and distribution resources and facilities, all of which shall be considered an integrated operation, under the sole and exclusive ownership of the producer-handler.

(1) Milk production resources and facilities shall include all resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk which are solely owned, operated, and which the producer-handler has designated as a source of milk supply for the producer-

handler's plant operation. However, for purposes of this paragraph, any such milk production resources and facilities which do not constitute an actual or potential source of milk supply for the producer-handler's operation shall not be considered a part of the producer-handler's milk production resources and facilities.

(2) Milk handling, processing, and distribution resources and facilities shall include all resources and facilities (including store outlets) used for handling, processing, and distributing fluid milk products which are solely owned by, and directly operated or controlled by the producer-handler or in which the producer-handler in any way has an interest, including any contractual arrangement, or over which the producer-handler directly or indirectly exercises any degree of management control.

(3) All designations shall remain in effect until canceled, pursuant to paragraph (c) of this section.

(c) *Cancellation.* The designation as a producer-handler shall be canceled upon determination by the market administrator that any of the requirements of paragraph (a)(1) through (5) of this section are not continuing to be met, or under any of the conditions described in paragraphs (c)(1), (2) or (3) of this section. Cancellation of a producer-handler's status pursuant to this paragraph shall be effective on the first day of the month following the month in which the requirements were not met or the conditions for cancellation occurred.

(1) Milk from the milk production resources and facilities of the producer-handler, designated in paragraph (b)(1) of this section, is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the milk production facilities and resources designated in paragraph (b)(1) of this section, except that it may receive at its plant, or acquire for route disposition, fluid milk products from fully regulated plants and handlers under any Federal order if such receipts do not exceed 150,000 pounds monthly. This limitation shall not apply if the producer-handler's own-farm production is less than 150,000 pounds during the month.

(3) Milk from the milk production resources and facilities of the producer-handler is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing plan operating under the authority of a State government.

(d) *Public announcement.* The market administrator shall publicly announce:

(1) The name, plant location(s), and farm location(s) of persons designated as producer-handlers;

(2) The names of those persons whose designations have been cancelled; and

(3) The effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to §1000.27 that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of the designation do not exist.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be

subject to the provisions described in § 1131.7 of this chapter or § 1000.76(a).

[71 FR 9432, Feb. 24, 2006, as amended at 71 FR 25501, May 1, 2006; 75 FR 21160, Apr. 23, 2010]

### § 1124.11 Cooperative reserve supply unit.

Cooperative reserve supply unit means any cooperative association or its agent that is a handler pursuant to § 1000.9(c) that does not own or operate a plant, if such cooperative has been qualified to receive payments pursuant to § 1124.73 and has been a handler of producer milk under the order in this part or its predecessor order during each of the 12 previous months, and if a majority of the cooperative's member producers are located within 125 miles of a plant described in § 1124.7(a). A cooperative reserve supply unit shall be subject to the following conditions:

(a) The cooperative shall file a request with the market administrator for cooperative reserve supply unit status at least 15 days prior to the first day of the month in which such status is desired to be effective. Once qualified as a cooperative reserve supply unit pursuant to this paragraph, such status shall continue to be effective unless the cooperative requests termination prior to the first day of the month that change of status is requested, or the cooperative fails to meet all of the conditions of this section.

(b) The cooperative reserve supply unit supplies fluid milk products to pool distributing plants located within 125 miles of a majority of the cooperative's member producers in compliance with any announcement by the market administrator requesting a minimum level of shipments as follows:

(1) The market administrator may require such supplies of bulk fluid milk from cooperative reserve supply units whenever the market administrator finds that milk supplies for Class I use are needed for plants defined in § 1124.7(a) or (b). Before making such a finding, the market administrator shall investigate the need for such shipments either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the market administrator's investigation shows that such shipments might be appropriate, the market administrator shall issue a notice stating that a shipping announcement is being considered and inviting data, views and arguments with respect to the proposed shipping announcement. Any decision on the required shipment of bulk fluid milk from cooperative reserve supply units must be made in writing at least one day before the effective date.

(2) Failure of a cooperative reserve supply unit to comply with any announced shipping requirements, including making any significant change in the unit's marketing operation that the market administrator determines has the impact of evading or forcing such an announcement, shall result in immediate loss of cooperative reserve supply unit status until such time as the unit has been a handler pursuant to § 1000.9(c) for at least 12 consecutive months.

### § 1124.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with § 1124.13; or

(2) Received by a handler described in § 1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to § 1124.13(e);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I;

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order; and

(5) A dairy farmer whose milk was received at a nonpool plant during the month from the same farm as other than producer milk under the order in this part or any other Federal order. Such a dairy farmer shall be known as a *dairy farmer for other markets*.

### § 1124.13 Producer milk.

Except as provided for in paragraph (f) of this section, *Producer milk* means the skim milk (or skim milk equivalent of components of skim milk), including nonfat components, and butterfat in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in § 1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a cooperative reserve supply unit described in § 1124.11. All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received and shall not be subject to the conditions specified in paragraph (e) of this section;

(c) Received by a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants;

(d) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(e) Diverted by the operator of a pool plant or a cooperative association described in § 1000.9(c), excluding a cooperative reserve supply unit described in § 1124.11, to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless at least 3 days' production of such dairy farmer's production is physically received at a pool plant during the month.

(2) Of the quantity of producer milk received during the month (including diversions, but excluding the quantity of producer milk received from a handler described in § 1000.9(c)) the handler diverts to nonpool plants not more than 80 percent.

(3) Two or more handlers described in § 1000.9(c) may have their allowable diversions computed on the basis of their combined deliveries of producer milk which they caused to be delivered to pool plants or diverted during the month if each has filed a request in writing with the market administrator before the first day of the month the agreement is to be effective. The request shall specify the basis for assigning overdiverted milk to the producer deliveries of each according to a method approved by the market administrator.

(4) Diverted milk shall be priced at the location of the plant to which diverted;

(5) Any milk diverted in excess of the limits prescribed in paragraph (e)(2) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that are not to be producer milk, no milk diverted by the handler or cooperative association during the month to a nonpool plant shall be producer milk. In the event some of the milk of any producer is determined not to be producer milk pursuant to this paragraph, other milk delivered by such producer as producer milk during the month will not be subject to § 1124.12(b)(5).

(6) The delivery day requirement in paragraph (e)(1) of this section and the diversion percentage in paragraph (e)(2) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure the orderly marketing and efficient handling of milk in the marketing area. Before making such finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired to be effective. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting

written data, views, and arguments. Any decision to revise the delivery day requirement or the diversion percentage must be issued in writing at least one day before the effective date.

(f) Producer milk shall not include milk of a producer that is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program imposed under the authority of a State government maintaining marketwide pooling of returns.

[64 FR 47998, Sept. 1, 1999, as amended at 67 FR 69669, Nov. 19, 2002; 69 FR 1655, Jan. 12, 2004]

### § 1124.14 Other source milk.

See § 1000.14.

### § 1124.15 Fluid milk product.

See § 1000.15.

### § 1124.16 Fluid cream product.

See § 1000.16.

### § 1124.17 [Reserved]

### § 1124.18 Cooperative association.

See § 1000.18.

### § 1124.19 Commercial food processing establishment.

See § 1000.19.

HANDLER REPORTS

### § 1124.30 Reports of receipts and utilization.

Each handler shall report monthly so that the market administrator's office receives the report on or before the 9th day after the end of the month, in the detail and on the prescribed forms, as follows:

(a) Each handler that operates a pool plant pursuant to § 1124.7 shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, and pounds of solids-not-fat other than protein (other solids) contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c); and

(ii) Receipts of milk from handlers described in § 1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, and other nonfat solids, as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, and the pounds of solids-not-fat other than protein (other solids) contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### § 1124.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1124.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in the detail prescribed by the market administrator, showing for

each producer the information described in §1124.73(f).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### § 1124.32 Other reports.

In addition to the reports required pursuant to §§1124.30 and 1124.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

### § 1124.40 Classes of utilization.

See §1000.40.

### § 1124.41 [Reserved]

### § 1124.42 Classification of transfers and diversions.

See §1000.42.

### § 1124.43 General classification rules.

See §1000.43.

### § 1124.44 Classification of producer milk.

In addition to the provisions provided in §1000.44, for purposes of this part 1124, §1000.44(a)(3)(iv) applies to fluid milk products and bulk fluid cream products received or acquired for distribution from a producer-handler.

### § 1124.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

CLASS PRICES

### § 1124.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

### § 1124.51 Class I differential and price.

The Class I differential shall be the differential established for King County, Washington, which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1000.50(a) for King County, Washington.

### § 1124.52 Adjusted Class I differentials.

See §1000.52.

### § 1124.53 Announcement of class prices, component prices, and advanced pricing factors.

See §1000.53.

### § 1124.54 Equivalent price.

See §1000.54.

PRODUCER PRICE DIFFERENTIAL

### § 1124.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in §1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (h) of this section and subtracting from that total amount the value computed in paragraph (i) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in §1000.44 (a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under §1000.76 (a)(4) or (d) shall be excluded from pricing under this section.

(a) Class I value.

(1) Multiply the hundredweight of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) Class II value.

(1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) Class III value.

(1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) Class IV value.

(1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding steps of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(f) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(g) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3) (i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from plants regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(h) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(i) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

[64 FR 47998, Sept. 1, 1999, as amended at 65 FR 82839, Dec. 28, 2000; 68 FR 7068, Feb. 12, 2003]

### § 1124.61 Computation of producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1124.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions of this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1124.60 for all handlers required to file reports prescribed in §1124.30;

(b) Subtract the total values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for

which an obligation was computed pursuant to §1124.60 by the protein price, the other solids price, and the butterfat price, respectively;

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1124.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to §1124.60(h); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be known as the producer price differential for the month.

[68 FR 7068, Feb. 12, 2003]

### §1124.62 Announcement of producer prices.

On or before the 14th day after the end of each month, the market administrator shall announce publicly the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The average butterfat, protein, nonfat solids, and other solids content of producer milk; and

(g) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

[64 FR 47998, Sept. 1, 1999, as amended at 65 FR 82840, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

## PAYMENTS FOR MILK

### §1124.70 Producer-settlement fund.

See §1000.70.

### §1124.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 16th day after the end of the month (except as provided in §1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to §1124.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to §1000.44(c) by the producer price differential as adjusted pursuant to §1124.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices respectively; and

(3) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to §1124.60(h) by the producer price differential as adjusted pursuant to §1124.75 for the location of the plant from which received.

[64 FR 47998, Sept. 1, 1999, as amended at 65 FR 82840, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

### §1124.72 Payments from the producer-settlement fund.

No later than the 18th day after the end of each month (except as provided in §1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1124.71(b) exceeds the amount computed pursuant to §1124.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

**§ 1124.73 Payments to producers and to cooperative associations.**

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 18th day of the month, partial payment shall be made so that it is received by each producer on or before the last day of the month (except as provided in § 1000.90) for milk received during the first 15 days of the month from the producer at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made so that it is received by each producer no later than the 19th day after the end of the month (except as provided in § 1000.90) in an amount equal to not less than the sum of:

(i) The hundredweight of producer milk received times the producer price differential for the month as adjusted pursuant to § 1124.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month;

(v) Less any payment made pursuant to paragraph (a)(1) of this section;

(vi) Less proper deductions authorized in writing by such producer and plus or minus adjustments for errors in previous payments to such producer subject to approval by the market administrator; and

(vii) Less deductions for marketing services pursuant to § 1000.86.

(b) *Payments for milk received from cooperative association members.* On or before the 2nd day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in § 1000.90), each handler shall pay to a cooperative association for milk from producers who market their milk through the cooperative association and who have authorized the cooperative to collect such payments on their behalf an amount equal to the sum of the individual payments otherwise payable for such producer milk pursuant to paragraphs (a)(1) and (a)(2) of this section.

(c) *Payment for milk received from cooperative association pool plants or from cooperatives as handlers pursuant to § 1000.9(c).* On or before the 2nd day prior to the dates specified in paragraphs (a)(1) and (a)(2) of this section (except as provided in § 1000.90), each handler who receives fluid milk products at its plant from a cooperative association in its capacity as the operator of a pool plant or who receives milk from a cooperative association in its capacity as a handler pursuant to § 1000.9(c), including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, shall pay the cooperative for such milk as follows:

(1) For bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant and for milk received from a cooperative association in its capacity as a handler pursuant to § 1000.9(c) during the first 15 days of the month, at not less than the lowest announced class price per hundredweight for the preceding month.

(2) For the total quantity of bulk fluid milk products and bulk fluid cream products received from a cooperative association in its capacity as the operator of a pool plant, at not less than the total value of such products received from the association's pool plants, as determined by multiplying the respective quantities assigned to each class under § 1000.44, as follows:

(i) The hundredweight of Class I skim milk times the Class I skim milk price for the month plus the pounds of Class I butterfat times the Class I butterfat price for the month. The Class I prices to be used shall be the prices effective at the location of the receiving plant;

(ii) The pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iii) The pounds of butterfat in Class II times the Class II butterfat price;

(iv) The pounds of nonfat solids in Class IV times the nonfat solids price;

(v) The pounds of butterfat in Class III and Class IV milk times the butterfat price;

(vi) The pounds of protein in Class III milk times the protein price;

(vii) The pounds of other solids in Class III milk times the other solids price; and

(viii) Add together the amounts computed in paragraphs (c)(2)(i) through (vii) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section; and

(3) For the total quantity of milk received during the month from a cooperative association in its capacity as a handler under §1000.9(c) as follows:

(i) The hundredweight of producer milk received times the producer price differential as adjusted pursuant to §1124.75;

(ii) The pounds of butterfat received times the butterfat price for the month;

(iii) The pounds of protein received times the protein price for the month;

(iv) The pounds of other solids received times the other solids price for the month; and

(v) Add together the amounts computed in paragraphs (c)(3)(i) through (iv) of this section and from that sum deduct any payment made pursuant to paragraph (c)(1) of this section.

(d) If a handler has not received full payment from the market administrator pursuant to §1124.72 by the payment date specified in paragraph (a), (b) or (c) of this section, the handler may reduce pro rata its payments to producers or to the cooperative association (with respect to receipts described in paragraph (b) of this section, prorating the underpayment to the volume of milk received from the cooperative association in proportion to the total milk received from producers by the handler), but not by more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(e) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(f) In making payments to producers pursuant to this section, each handler shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in §1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and payroll number of the producer;

(2) The daily and total pounds, and the month and dates such milk was received from that producer;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(5) The rate used in making payment if the rate is other than the applicable minimum rate;

(6) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(7) The net amount of payment to the producer or cooperative association.

[64 FR 47998, Sept. 1, 1999, as amended at 65 FR 82840, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

### §1124.74 [Reserved]

### §1124.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1124.51 from the

Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§ 1124.73 and 1000.76.

**§ 1124.76 Payments by a handler operating a partially regulated distributing plant.**

See § 1000.76.

**§ 1124.77 Adjustment of accounts.**

See § 1000.77.

**§ 1124.78 Charges on overdue accounts.**

See § 1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

**§ 1124.85 Assessment for order administration.**

See § 1000.85.

**§ 1124.86 Deduction for marketing services.**

See § 1000.86.

## PART 1125 [RESERVED]

## PART 1126—MILK IN THE SOUTHWEST MARKETING AREA

### Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1126.1 General provisions.

DEFINITIONS

1126.2 Southwest marketing area.
1126.3 Route disposition.
1126.4 Plant.
1126.5 Distributing plant.
1126.6 Supply plant.
1126.7 Pool plant.
1126.8 Nonpool plant.
1126.9 Handler.
1126.10 Producer-handler.
1126.11 [Reserved]
1126.12 Producer.
1126.13 Producer milk.
1126.14 Other source milk.
1126.15 Fluid milk product.
1126.16 Fluid cream product.
1126.17 [Reserved]
1126.18 Cooperative association.
1126.19 Commercial food processing establishment.

HANDLER REPORTS

1126.30 Reports of receipts and utilization.
1126.31 Payroll reports.
1126.32 Other reports.

CLASSIFICATION OF MILK

1126.40 Classes of utilization.
1126.41 [Reserved]
1126.42 Classification of transfers and diversions.
1126.43 General classification rules.
1126.44 Classification of producer milk.
1126.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1126.50 Class prices, component prices, and advanced pricing factors.
1126.51 Class I differential and price.
1126.52 Adjusted Class I differentials.
1126.53 Announcement of class prices, component prices, and advanced pricing factors.
1126.54 Equivalent price.

PRODUCER PRICE DIFFERENTIAL

1126.60 Handler's value of milk.
1126.61 Computation of producer price differential.
1126.62 Announcement of producer prices.

PAYMENTS FOR MILK

1126.70 Producer-settlement fund.
1126.71 Payments to the producer-settlement fund.
1126.72 Payments from the producer-settlement fund.
1126.73 Payments to producers and to cooperative associations.
1126.74 [Reserved]
1126.75 Plant location adjustments for producer milk and nonpool milk.
1126.76 Payments by a handler operating a partially regulated distributing plant.
1126.77 Adjustment of accounts.
1126.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1126.85 Assessment for order administration.
1126.86 Deduction for marketing services.

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

SOURCE: 64 FR 48004, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

### § 1126.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1126. In this part 1126, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

### § 1126.2 Southwest marketing area.

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

COLORADO COUNTIES

Archuleta, LaPlata, and Montezuma.

NEW MEXICO AND TEXAS

All of the States of New Mexico and Texas.

### § 1126.3 Route disposition.

See § 1000.3.

### § 1126.4 Plant.

See § 1000.4.

### § 1126.5 Distributing plant.

See § 1000.5.

### § 1126.6 Supply plant.

See § 1000.6.

### § 1126.7 Pool plant.

*Pool plant* means a plant specified in paragraphs (a) through (d) of this section, a unit of plants as specified in paragraph (e) of this section, or a plant specified in paragraph (h) of this section, but excluding a plant specified in paragraph (g) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section:

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this section or §_____.7(b) of any other Federal milk order, from which during the month 25 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 25 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 50 percent or more of the total quantity of milk that is physically received during the month from dairy farmers and handlers described in §1000.9(c), including milk that is diverted as producer milk to other plants, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area that is operated by a cooperative association if pool plant status under this paragraph is requested for such plant by the cooperative association and during the month at least 30 percent of the producer milk of members of such cooperative association is delivered directly from farms to pool distributing plants or is transferred to such plants as a fluid milk product (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other than Class I) from the cooperative's plant.

(e) Two or more plants operated by the same handler and located within the marketing area may qualify for

pool status as a unit by meeting the total and in-area route disposition requirements specified in paragraph (a) of this section and the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process only Class I or Class II products and must be located in a pricing zone providing the same or a lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit, or to add or remove plants from a unit, must be filed with the market administrator prior to the first day of the month for which it is to be effective.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(g) The term pool plant shall not apply to the following plants:

(1) A producer-handler plant;

(2) An exempt plant as defined in § 1000.8(e);

(3) A plant qualified pursuant to paragraph (a) of this section that is located within the marketing area if the plant also meets the pooling requirements of another Federal order, and more than 50 percent of its route distribution has been in such other Federal order marketing area for 3 consecutive months;

(4) A plant qualified pursuant to paragraph (a) of this section which is not located within any Federal order marketing area that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant qualified pursuant to paragraph (a) of this section that is located in another Federal order marketing area if the plant meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(6) A plant qualified pursuant to paragraph (c) or (d) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order; and

(7) That portion of a pool plant designated as a nonpool plant that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a regulated plant as a nonpool plant must be requested in writing by the handler and must be approved by the market administrator.

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

(1) 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 exclusions:

(i) The plant is described in §1126.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in §1000.8(a) or (e); or

(iv) A producer-handler described in §1126.10 with less than three million pounds during the month of route disposition and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

[64 FR 48004, Sept. 1, 1999, as amended at 71 FR 25501, May 1, 2006; 71 FR 28249, May 16, 2006]

### §1126.8 Nonpool plant.

See §1000.8.

### §1126.9 Handler.

See §1000.9.

### §1126.10 Producer-handler.

*Producer-handler* means a person who:

(a) Operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, and from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds;

(b) Receives fluid milk products from own farm production or milk that is fully subject to the pricing and pooling provisions of the order in this part or another Federal order;

(c) Receives no more than 150,000 pounds of fluid milk products from handlers fully regulated under any Federal order, including such products received at a location other than the producer-handler's processing plant for distribution on routes. This limitation shall not apply if the producer-handler's own farm production is less than 150,000 pounds during the month;

(d) Disposes of no other source milk as Class I milk except by increasing the nonfat milk solids content of the fluid milk products; and

(e) Provides proof satisfactory to the market administrator that the care and management of the dairy animals and other resources necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) and the processing and packaging operations are the producer-handler's own enterprise and at its own risk.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in §1131.2 of this chapter shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to §1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in §1131.2 of this chapter of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in §1131.7 of this chapter or §1000.76(a).

[64 FR 48004, Sept. 1, 1999, as amended at 71 FR 25501, May 1, 2006; 75 FR 21161, Apr. 23, 2010]

### §1126.11 [Reserved]

### §1126.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with §1126.13; or

(2) Received by a handler described in §1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to §1126.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and the milk is allocated by request to a utilization other than Class I; and

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order.

### §1126.13 Producer milk.

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk), including nonfat components, and butterfat contained in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in §1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in §1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator for the account of the handler operating such plant to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a handler described in §1000.9(c) to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless a delivery of at least 40,000 pounds or one day's milk production, whichever is less, of such dairy farmer has been physically received as producer milk at a pool plant and the dairy farmer has continuously retained producer status since that time;

(2) The total quantity of milk diverted during the month by a cooperative association shall not exceed 50 percent of the total quantity of producer milk that the cooperative association caused to be received at pool plants and diverted;

(3) The operator of a pool plant that is not a cooperative association may divert any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to this paragraph. The total quantity of milk so diverted during the month shall not exceed 50 percent of the total quantity of the producer milk physically received at such plant (or such unit of plants in the case of plants that pool as a unit pursuant to §1126.7(e)) and diverted;

(4) Any milk diverted in excess of the limits prescribed in paragraphs (d)(2) and (3) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that will not be producer milk, no milk diverted by the handler or cooperative association shall be producer milk;

(5) Diverted milk shall be priced at the location of the plant to which diverted; and

(6) The delivery requirement in paragraph (d)(1) and the diversion percentages in paragraphs (d)(2) and (3) of this section may be increased or decreased by the market administrator if there is a finding that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise the delivery day requirement or any diversion percentage must be issued in writing at least one day before the effective date.

**§ 1126.14 Other source milk.**

See § 1000.14.

**§ 1126.15 Fluid milk product.**

See § 1000.15.

**§ 1126.16 Fluid cream product.**

See § 1000.16.

**§ 1126.17 [Reserved]**

**§ 1126.18 Cooperative association.**

See § 1000.18.

**§ 1126.19 Commercial food processing establishment.**

See § 1000.19.

HANDLER REPORTS

**§ 1126.30 Reports of receipts and utilization.**

Each handler shall report monthly so that the market administrator's office receives the report on or before the 8th day after the end of the month, in the detail and on prescribed forms, as follows:

(a) Each pool plant operator shall report for each of its operations the following information:

(1) Product pounds, pounds of butterfat, pounds of protein, pounds of nonfat solids other than protein (other solids), and the value of the somatic cell adjustment pursuant to § 1000.50(p) contained in or represented by:

(i) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c); and

(ii) Receipts of milk from handlers described in § 1000.9(c);

(2) Product pounds and pounds of butterfat contained in:

(i) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(ii) Receipts of other source milk; and

(iii) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products;

(3) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph; and

(4) Such other information with respect to the receipts and utilization of skim milk, butterfat, milk protein, other nonfat solids, and somatic cell information, as the market administrator may prescribe.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. The report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1000.9(c) shall report:

(1) The product pounds, pounds of butterfat, pounds of protein, pounds of solids-not-fat other than protein (other solids), and the value of the somatic cell adjustment pursuant to § 1000.50(p), contained in receipts of milk from producers; and

(2) The utilization or disposition of such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

**§ 1126.31 Payroll reports.**

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to § 1126.7 and each handler described in § 1000.9(c) shall report to the market administrator its producer payroll for the month, in the detail prescribed by the market administrator, showing for each producer the information specified in § 1126.73(e).

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

**§ 1126.32 Other reports.**

In addition to the reports required pursuant to §§ 1126.30 and 1126.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

CLASSIFICATION OF MILK

**§ 1126.40 Classes of utilization.**

See § 1000.40.

**§ 1126.41 [Reserved]**

**§ 1126.42 Classification of transfers and diversions.**

See § 1000.42.

**§ 1126.43 General classification rules.**

See § 1000.43.

**§ 1126.44 Classification of producer milk.**

See § 1000.44.

**§ 1126.45 Market administrator's reports and announcements concerning classification.**

See § 1000.45.

CLASS PRICES

**§ 1126.50 Class prices, component prices, and advanced pricing factors.**

See § 1000.50.

**§ 1126.51 Class I differential and price.**

The Class I differential shall be the differential established for Dallas County, Texas, which is reported in § 1000.52. The Class I price shall be the price computed pursuant to § 1000.50(a) for Dallas County, Texas.

**§ 1126.52 Adjusted Class I differentials.**

See § 1000.52.

**§ 1126.53 Announcement of class prices, component prices, and advanced pricing factors.**

See § 1000.53.

**§ 1126.54 Equivalent price.**

See § 1000.54.

PRODUCER PRICE DIFFERENTIAL

**§ 1126.60 Handler's value of milk.**

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (i) of this section and subtracting from that total amount the value computed in paragraph (j) of this section. Unless otherwise specified, the skim milk, butterfat, and the combined pounds of skim milk and butterfat referred to in this section shall result from the steps set forth in § 1000.44(a), (b), and (c), respectively, and the nonfat components of producer milk in each class shall be based upon the proportion of such components in producer skim milk. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Class I value.

(1) Multiply the pounds of skim milk in Class I by the Class I skim milk price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class I by the Class I butterfat price.

(b) Class II value.

(1) Multiply the pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class II times the Class II butterfat price.

(c) Class III value.

(1) Multiply the pounds of protein in Class III skim milk by the protein price;

(2) Add an amount obtained by multiplying the pounds of other solids in Class III skim milk by the other solids price; and

(3) Add an amount obtained by multiplying the pounds of butterfat in Class III by the butterfat price.

(d) Class IV value.

(1) Multiply the pounds of nonfat solids in Class IV skim milk by the nonfat solids price; and

(2) Add an amount obtained by multiplying the pounds of butterfat in Class IV by the butterfat price.

(e) Compute an adjustment for the somatic cell content of producer milk by multiplying the values reported pursuant to §1126.30(a)(1) and (c)(1) by the percentage of total producer milk allocated to Class II, Class III, and Class IV pursuant to §1000.44(c);

(f) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to §1000.44(a)(11) and the corresponding step of §1000.44(b) by the skim milk prices and butterfat prices applicable to each class.

(g) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to §1000.44(a)(7) and the corresponding step of §1000.44(b);

(h) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to §1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(3)(i) through (vi) and the corresponding step of §1000.44(b), excluding receipts of bulk fluid cream products from plants regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants.

(i) Multiply the difference between the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received and the Class III price by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to §1000.43(d) and §1000.44(a)(3)(i) and the corresponding step of §1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to §1000.44(a)(8) and the corresponding step of §1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(j) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to §1000.43(d).

[64 FR 478004, Sept. 1, 1999, as amended at 65 FR 82840, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

### §1126.61 Computation of producer price differential.

For each month the market administrator shall compute a producer price differential per hundredweight. The report of any handler who has not made payments required pursuant to §1126.71 for the preceding month shall not be included in the computation of the producer price differential, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations. Subject to the conditions of this paragraph, the market administrator shall compute the producer price differential in the following manner:

(a) Combine into one total the values computed pursuant to §1126.60 for all handlers required to file reports prescribed in §1126.30;

(b) Subtract the total of the values obtained by multiplying each handler's total pounds of protein, other solids, and butterfat contained in the milk for which an obligation was computed pursuant to §1126.60 by the protein price, other solids price, and the butterfat price, respectively, and the total value of the somatic cell adjustment pursuant to §1126.30(a)(1) and (c)(1);

(c) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to § 1126.75;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1126.60(i); and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The result shall be known as the producer price differential for the month.

[68 FR 7069, Feb. 12, 2003]

### § 1126.62 Announcement of producer prices.

On or before the 13th day after the end of each month, the market administrator shall announce the following prices and information:

(a) The producer price differential;

(b) The protein price;

(c) The nonfat solids price;

(d) The other solids price;

(e) The butterfat price;

(f) The somatic cell adjustment rate;

(g) The average butterfat, protein, nonfat solids, and other solids content of producer milk; and

(h) The statistical uniform price for milk containing 3.5 percent butterfat, computed by combining the Class III price and the producer price differential.

[64 FR 478004, Sept. 1, 1999, as amended at 65 FR 82841, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

## PAYMENTS FOR MILK

### § 1126.70 Producer-settlement fund.

See § 1000.70.

### § 1126.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 16th day after the end of the month (except as provided in § 1000.90). Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to § 1126.60.

(b) The sum of:

(1) An amount obtained by multiplying the total hundredweight of producer milk as determined pursuant to § 1000.44(c) by the producer price differential as adjusted pursuant to § 1126.75;

(2) An amount obtained by multiplying the total pounds of protein, other solids, and butterfat contained in producer milk by the protein, other solids, and butterfat prices respectively;

(3) The total value of the somatic cell adjustment to producer milk; and

(4) An amount obtained by multiplying the pounds of skim milk and butterfat for which a value was computed pursuant to § 1126.60(i) by the producer price differential as adjusted pursuant to § 1126.75 for the location of the plant from which received.

[64 FR 48004, Sept. 1, 1999, as amended at 65 FR 82841, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

### § 1126.72 Payments from the producer-settlement fund.

No later than the 17th day after the end of each month (except as provided in § 1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1126.71(b) exceeds the amount computed pursuant to § 1126.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

**§ 1126.73 Payments to producers and to cooperative associations.**

(a) Each handler shall pay each producer for producer milk for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, as follows:

(1) *Partial payment.* For each producer who has not discontinued shipments as of the 23rd day of the month, payment shall be made so that it is received by the producer on or before the 26th day of the month (except as provided in §1000.90) for milk received during the first 15 days of the month at not less than the lowest announced class price for the preceding month, less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, payment shall be made so that it is received by each producer no later than the 18th day after the end of the month (except as provided in §1000.90) in an amount computed as follows:

(i) Multiply the hundredweight of producer milk received times the producer price differential for the month as adjusted pursuant to §1126.75;

(ii) Multiply the pounds of butterfat received times the butterfat price for the month;

(iii) Multiply the pounds of protein received times the protein price for the month;

(iv) Multiply the pounds of other solids received times the other solids price for the month;

(v) Multiply the hundredweight of milk received times the somatic cell adjustment for the month;

(vi) Add the amounts computed in paragraphs (a)(2)(i) through (v) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to §1000.86;

(C) Add or subtract for errors made in previous payments to the producer subject to approval by the market administrator; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) On or before the day prior to the dates specified for partial and final payments pursuant to paragraph (a) of this section (except as provided in §1000.90), each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity, except as the operator of a pool plant, the payment shall be equal to the hundredweight of milk received multiplied by the lowest announced class price for the preceding month.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk milk/skimmed milk products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* Following the classification of bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment for such receipts shall be determined as follows:

(i) The hundredweight of Class I skim milk times the Class I skim milk price for the month plus the pounds of Class I butterfat times the Class I butterfat price for the month. The Class I prices to be used shall be the prices effective at the location of the receiving plant;

(ii) The pounds of nonfat solids in Class II skim milk by the Class II nonfat solids price;

(iii) The pounds of butterfat in Class II times the Class II butterfat price;

(iv) The pounds of nonfat solids in Class IV times the nonfat solids price;

(v) The pounds of butterfat in Class III and Class IV milk times the butterfat price;

(vi) The pounds of protein in Class III milk times the protein price;

(vii) The pounds of other solids in Class III milk times the other solids price;

(viii) The hundredweight of Class II, Class III, and Class IV milk times the somatic cell adjustment; and

(ix) Add together the amounts computed in paragraphs (b)(3)(i) through (viii) of this section and from that sum deduct any payments made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1126.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce pro rata its payments to producers or to cooperative associations pursuant to paragraphs (a) and (b) of this section, but by not more than the amount of the underpayment. The payments shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or to the lawful claimant as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association handler described in §1000.9(a) or (c), a supporting statement in a form that may be retained by the recipient which shall show:

(1) The name, address, Grade A identifier assigned by a duly constituted regulatory agency, and the payroll number of the producer;

(2) The month and dates that milk was received from the producer, including the daily and total pounds of milk received;

(3) The total pounds of butterfat, protein, and other solids contained in the producer's milk;

(4) The somatic cell count of the producer's milk;

(5) The minimum rate or rates at which payment to the producer is required pursuant to the order in this part;

(6) The rate used in making payment if the rate is other than the applicable minimum rate;

(7) The amount, or rate per hundredweight, or rate per pound of component, and the nature of each deduction claimed by the handler; and

(8) The net amount of payment to the producer or cooperative association.

[64 FR 48004, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000; 65 FR 82841, Dec. 28, 2000; 68 FR 7069, Feb. 12, 2003]

### §1126.74 [Reserved]

### §1126.75 Plant location adjustments for producer milk and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1126.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1126.73 and 1000.76.

### §1126.76 Payments by a handler operating a partially regulated distributing plant.

See §1000.76.

**§ 1126.77 Adjustment of accounts.**

See § 1000.77.

**§ 1126.78 Charges on overdue accounts.**

See § 1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

**§ 1126.85 Assessment for order administration.**

See § 1000.85.

**§ 1126.86 Deduction for marketing services.**

See § 1000.86.

# PART 1131—MILK IN THE ARIZONA MARKETING AREA

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

Sec.
1131.1 General provisions.

DEFINITIONS

1131.2 Arizona marketing area.
1131.3 Route disposition.
1131.4 Plant.
1131.5 Distributing plant.
1131.6 Supply plant.
1131.7 Pool plant.
1131.8 Nonpool plant.
1131.9 Handler.
1131.10 Producer-handler.
1131.11 [Reserved]
1131.12 Producer.
1131.13 Producer milk.
1131.14 Other source milk.
1131.15 Fluid milk product.
1131.16 Fluid cream product.
1131.17 [Reserved]
1131.18 Cooperative association.
1131.19 Commercial food processing establishment.

HANDLER REPORTS

1131.30 Reports of receipts and utilization.
1131.31 Payroll reports.
1131.32 Other reports.

CLASSIFICATION OF MILK

1131.40 Classes of utilization.
1131.41 [Reserved]
1131.42 Classification of transfers and diversions.
1131.43 General classification rules.
1131.44 Classification of producer milk.
1131.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1131.50 Class prices, component prices, and advanced pricing factors.
1131.51 Class I differential and price.
1131.52 Adjusted Class I differentials.
1131.53 Announcement of class prices, component prices, and advanced pricing factors.
1131.54 Equivalent price.

UNIFORM PRICES

1131.60 Handler's value of milk.
1131.61 Computation of uniform prices.
1131.62 Announcement of uniform prices.

PAYMENTS FOR MILK

1131.70 Producer-settlement fund.
1131.71 Payments to the producer-settlement fund.
1131.72 Payments from the producer-settlement fund.
1131.73 Payments to producers and to cooperative associations.
1131.74 [Reserved]
1131.75 Plant location adjustments for producers and nonpool milk.
1131.76 Payments by a handler operating a partially regulated distributing plant.
1131.77 Adjustment of accounts.
1131.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1131.85 Assessment for order administration.
1131.86 Deduction for marketing services.

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

SOURCE: 64 FR 48010, Sept. 1, 1999, unless otherwise noted.

## Subpart—Order Regulating Handling

GENERAL PROVISIONS

**§ 1131.1 General provisions.**

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1131. In this part 1131, all references to sections in part 1000 refer to part 1000 of this chapter.

DEFINITIONS

**§ 1131.2 Arizona marketing area.**

The marketing area means all territory within the bounds of the following states and political subdivisions, including all piers, docks and wharves connected therewith and all craft moored thereat, and all territory occupied by government (municipal, State

or Federal) reservations, installations, institutions, or other similar establishments if any part thereof is within any of the listed states or political subdivisions:

Arizona

All of the State of Arizona.

[71 FR 25502, May 1, 2006]

### § 1131.3 Route disposition.

See § 1000.3.

### § 1131.4 Plant.

See § 1000.4.

### § 1131.5 Distributing plant.

See § 1000.5.

### § 1131.6 Supply plant.

See § 1000.6.

### § 1131.7 Pool plant.

*Pool Plant* means a plant or unit of plants specified in paragraphs (a) through (e) of this section, but excluding a plant specified in paragraph (g) of this section. The pooling standards described in paragraphs (c) and (d) of this section are subject to modification pursuant to paragraph (f) of this section.

(a) A distributing plant, other than a plant qualified as a pool plant pursuant to paragraph (b) of this §_____. 7(b) of any other Federal milk order, from which during the month 25 percent or more of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) are disposed of as route disposition or are transferred in the form of packaged fluid milk products to other distributing plants. At least 25 percent of such route disposition and transfers must be to outlets in the marketing area.

(b) Any distributing plant located in the marketing area which during the month processed at least 25 percent of the total quantity of fluid milk products physically received at the plant (excluding concentrated milk received from another plant by agreement for other than Class I use) into ultra-pasteurized or aseptically-processed fluid milk products.

(c) A supply plant from which 50 percent or more of the total quantity of milk that is physically received at such plant from dairy farmers and handlers described in § 1000.9(c), including milk that is diverted as producer milk to other plants, is transferred to pool distributing plants. Concentrated milk transferred from the supply plant to a distributing plant for an agreed-upon use other than Class I shall be excluded from the supply plant's shipments in computing the plant's shipping percentage.

(d) A plant located within the marketing area and operated by a cooperative association if, during the month, or the immediately preceding 12-month period ending with the current month, 35 percent or more of the producer milk of members of the association (and any producer milk of nonmembers and members of another cooperative association which may be marketed by the cooperative association) is physically received in the form of bulk fluid milk products (excluding concentrated milk transferred to a distributing plant for an agreed-upon use other that Class I) at plants specified in paragraph (a), (b), or (h) of this section either directly from farms or by transfer from supply plants operated by the cooperative association and from plants of the cooperative association for which pool plant status has been requested under this paragraph subject to the following conditions:

(1) The plant does not qualify as a pool plant under paragraph (a), (b), (c), or (h) of this section or under comparable provisions of another Federal order; and

(2) The plant is approved by a duly constituted regulatory agency for the handling of milk approved for fluid consumption in the marketing area.

(e) Two or more plants operated by the same handler and located in the marketing area may qualify for pool plant status as a unit by together meeting the requirements specified in paragraph (a) of this section and subject to all of the following additional requirements:

(1) At least one of the plants in the unit must qualify as a pool plant pursuant to paragraph (a) of this section;

(2) Other plants in the unit must process Class I or Class II products, using 50 percent or more of the total Grade A fluid milk products received in bulk form at such plant or diverted therefrom by the plant operator in Class I or Class II products, and must be located in a pricing zone providing the same or lower Class I price than the price applicable at the distributing plant included in the unit pursuant to paragraph (e)(1) of this section; and

(3) A written request to form a unit must be filed by the handler with the market administrator prior to the first day of the month for which such status is desired to be effective. The unit shall continue from month to month thereafter without further notification. The handler shall notify the market administrator in writing prior to the first day of any month for which termination or any change of the unit is desired.

(f) The applicable shipping percentages of paragraphs (c) and (d) of this section may be increased or decreased by the market administrator if the market administrator finds that such adjustment is necessary to encourage needed shipments or to prevent uneconomic shipments. Before making such a finding, the market administrator shall investigate the need for adjustment either on the market administrator's own initiative or at the request of interested parties if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that an adjustment of the shipping percentages might be appropriate, the market administrator shall issue a notice stating that an adjustment is being considered and invite data, views and arguments. Any decision to revise an applicable shipping percentage must be issued in writing at least one day before the effective date.

(g) The term pool plant shall not apply to the following plants:

(1) A producer-handler as defined under any Federal order;

(2) An exempt plant as defined in §1000.8(e);

(3) A plant located within the marketing area and qualified pursuant to paragraph (a) of this section which meets the pooling requirements of another Federal order, and from which more than 50 percent of its route disposition has been in the other Federal order marketing area for 3 consecutive months;

(4) A plant located outside any Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of another Federal order and has had greater route disposition in such other Federal order's marketing area for 3 consecutive months;

(5) A plant located in another Federal order marketing area and qualified pursuant to paragraph (a) of this section that meets the pooling requirements of such other Federal order and does not have a majority of its route distribution in this marketing area for 3 consecutive months or if the plant is required to be regulated under such other Federal order without regard to its route disposition in any other Federal order marketing area;

(6) A plant qualified pursuant to paragraph (c) of this section which also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made to plants regulated under the other Federal order than are made to plants regulated under the order in this part, or the plant has automatic pooling status under the other Federal order; and

(7) That portion of a regulated plant designated as a nonpool plant that is physically separate and operated separately from the pool portion of such plant. The designation of a portion of a regulated plant as a nonpool plant must be requested in advance and in writing by the handler and must be approved by the market administrator.

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

(1) 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 exclusions:

(i) The plant is described in § 1131.7(a), (b), or (e);

(ii) The plant is subject to the pricing provisions of a State-operated milk pricing plan which provides for the payment of minimum class prices for raw milk;

(iii) The plant is described in § 1000.8(a) or (e); or

(iv) A producer-handler described in § 1131.10 with less than three million pounds during the month of route dispositions and/or transfers of packaged fluid milk products to other plants.

(2) [Reserved]

[64 FR 48010, Sept. 1, 1999, as amended at 71 FR 25502, May 1, 2006; 71 FR 28249, May 16, 2006]

### § 1131.8 Nonpool plant.

See § 1000.8.

### § 1131.9 Handler.

See § 1000.9.

### § 1131.10 Producer-handler.

*Producer-handler* means a person who operates a dairy farm and a distributing plant from which there is route disposition in the marketing area, from which total route disposition and packaged sales of fluid milk products to other plants during the month does not exceed 3 million pounds, and who the market administrator has designated a producer-handler after determining that all of the requirements of this section have been met.

(a) *Requirements for designation.* Designation of any person as a producer-handler by the market administrator shall be contingent upon meeting the conditions set forth in paragraphs (a)(1) through (5) of this section. Following the cancellation of a previous producer-handler designation, a person seeking to have their producer-handler designation reinstated must demonstrate that these conditions have been met for the preceding month.

(1) The care and management of the dairy animals and the other resources and facilities designated in paragraph (b)(1) of this section necessary to produce all Class I milk handled (excluding receipts from handlers fully regulated under any Federal order) are under the complete and exclusive control, ownership and management of the producer-handler and are operated as the producer-handler's own enterprise and its own risk.

(2) The plant operation designated in paragraph (b)(2) of this section at which the producer-handler processes and packages, and from which it distributes, its own milk production is under the complete and exclusive control, ownership and management of the producer-handler and is operated as the producer-handler's own enterprise and at its sole risk.

(3) The producer-handler neither receives at its designated milk production resources and facilities nor receives, handles, processes, or distributes at or through any of its designated milk handling, processing, or distributing resources and facilities other source milk products for reconstitution into fluid milk products or fluid milk products derived from any source other than:

(i) Its designated milk production resources and facilities (own farm production);

(ii) Pool handlers and plants regulated under any Federal order within the limitation specified in paragraph (c)(2) of this section; or

(iii) Nonfat milk solids which are used to fortify fluid milk products.

(4) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(5) No milk produced by the herd(s) or on the farm(s) that supply milk to the producer-handler's plant operation is:

(i) Subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing program under the authority of a State government maintaining marketwide pooling of returns, or

(ii) Marketed in any part as Class I milk to the non-pool distributing plant of any other handler.

(6) The producer-handler does not distribute fluid milk products to a wholesale customer who is served by a plant described in §1131.7(a), (b), or (e), or a handler described in §1000.8(c) that supplied the same product in the same-sized package with a similar label to a wholesale customer during the month.

(b) *Designation of resources and facilities.* Designation of a person as a producer-handler shall include the determination of what shall constitute milk production, handling, processing, and distribution resources and facilities, all of which shall be considered an integrated operation, under the sole and exclusive ownership of the producer-handler.

(1) Milk production resources and facilities shall include all resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk which are solely owned, operated, and which the producer-handler has designated as a source of milk supply for the producer-handler's plant operation. However, for purposes of this paragraph, any such milk production resources and facilities which do not constitute an actual or potential source of milk supply for the producer-handler's operation shall not be considered a part of the producer-handler's milk production resources and facilities.

(2) Milk handling, processing, and distribution resources and facilities shall include all resources and facilities (including store outlets) used for handling, processing, and distributing fluid milk products which are solely owned by, and directly operated or controlled by the producer-handler or in which the producer-handler in any way has an interest, including any contractual arrangement, or over which the producer-handler directly or indirectly exercises any degree of management control.

(3) All designations shall remain in effect until canceled pursuant to paragraph (c) of this section.

(c) *Cancellation.* The designation as a producer-handler shall be canceled upon determination by the market administrator that any of the requirements of paragraph (a)(1) through (5) of this section are not continuing to be met, or under any of the conditions described in paragraphs (c)(1), (2) or (3) of this section. Cancellation of a producer-handler's status pursuant to this paragraph shall be effective on the first day of the month following the month in which the requirements were not met or the conditions for cancellation occurred.

(1) Milk from the milk production resources and facilities of the producer-handler, designated in paragraph (b)(1) of this section, is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the milk production facilities and resources designated in paragraph (b)(1) of this section, except that it may receive at its plant, or acquire for route disposition, fluid milk products from fully regulated plants and handlers under any Federal order if such receipts do not exceed 150,000 pounds monthly. This limitation shall not apply if the producer-handler's own-farm production is less than 150,000 pounds during the month.

(3) Milk from the milk production resources and facilities of the producer-handler is subject to inclusion and participation in a marketwide equalization pool under a milk classification and pricing plan operating under the authority of a State government.

(d) *Public announcement.* The market administrator shall publicly announce:

(1) The name, plant location(s), and farm location(s) of persons designated as producer-handlers;

(2) The names of those persons whose designations have been cancelled; and

(3) The effective dates of producer-handler status or loss of producer-handler status for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1000.27 that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of the designation do not exist.

(f) Any producer-handler with Class I route dispositions and/or transfers of packaged fluid milk products in the marketing area described in § 1131.2 shall be subject to payments into the Order 1131 producer settlement fund on such dispositions pursuant to § 1000.76(a) and payments into the Order 1131 administrative fund provided such dispositions are less than three million pounds in the current month and such producer-handler had total Class I route dispositions and/or transfers of packaged fluid milk products from own farm production of three million pounds or more the previous month. If the producer-handler has Class I route dispositions and/or transfers of packaged fluid milk products into the marketing area described in § 1131.2 of three million pounds or more during the current month, such producer-handler shall be subject to the provisions described in § 1131.7 or § 1000.76(a).

[71 FR 9433, Feb. 24, 2006, as amended at 71 FR 25502, May 1, 2006; 75 FR 21161, Apr. 23, 2010]

### § 1131.11 [Reserved]

### § 1131.12 Producer.

(a) Except as provided in paragraph (b) of this section, *producer* means any person who produces milk approved by a duly constituted regulatory agency for fluid consumption as Grade A milk and whose milk (or components of milk) is:

(1) Received at a pool plant directly from the producer or diverted by the plant operator in accordance with § 1131.13; or

(2) Received by a handler described in § 1000.9(c).

(b) Producer shall not include:

(1) A producer-handler as defined in any Federal order;

(2) A dairy farmer whose milk is received at an exempt plant, excluding producer milk diverted to the exempt plant pursuant to § 1131.13(d);

(3) A dairy farmer whose milk is received by diversion at a pool plant from a handler regulated under another Federal order if the other Federal order designates the dairy farmer as a producer under that order and that milk is allocated by request to a utilization other than Class I;

(4) A dairy farmer whose milk is reported as diverted to a plant fully regulated under another Federal order with respect to that portion of the milk so diverted that is assigned to Class I under the provisions of such other order; and

(5) A dairy farmer whose milk is received at a pool plant if during the month milk from the same farm is received at a nonpool plant (except a nonpool plant that has no utilization of milk products in any class other than Class III or Class IV) other than as producer milk under the order in this part or some other Federal order. Such a dairy farmer shall be known as a *dairy farmer for other markets.*

### § 1131.13 Producer milk.

*Producer milk* means the skim milk (or the skim equivalent of components of skim milk) and butterfat in milk of a producer that is:

(a) Received by the operator of a pool plant directly from a producer or a handler described in § 1000.9(c). All milk received pursuant to this paragraph shall be priced at the location of the plant where it is first physically received;

(b) Received by a handler described in § 1000.9(c) in excess of the quantity delivered to pool plants;

(c) Diverted by a pool plant operator to another pool plant. Milk so diverted shall be priced at the location of the plant to which diverted; or

(d) Diverted by the operator of a pool plant or a cooperative association described in § 1000.9(c) to a nonpool plant, subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion unless at least one day's production of such dairy farmer is physically received at a pool plant during the month;

(2) The total quantity of milk diverted by a handler in any month shall not exceed 50 percent of the total producer milk caused by the handler to be received at pool plants and diverted;

(3) Diverted milk shall be priced at the location of the plant to which diverted;

(4) Any milk diverted in excess of the limits prescribed in paragraph (d)(2) of this section shall not be producer milk. If the diverting handler or cooperative association fails to designate the dairy farmers' deliveries that are not to be producer milk, no milk diverted by the handler or cooperative association during the month to a nonpool plant shall be producer milk. In the event some of the milk of any producer is determined not to be producer milk pursuant to this paragraph, other milk delivered by such producer as producer milk during the month will not be subject to § 1131.12(b)(5); and

(5) The delivery day requirement in paragraph (d)(1) of this section and diversion percentage in paragraph (d)(2) of this section may be increased or decreased by the market administrator if the market administrator finds that such revision is necessary to assure orderly marketing and efficient handling of milk in the marketing area. Before making such a finding, the market administrator shall investigate the need for the revision either on the market administrator's own initiative or at the request of interested persons if the request is made in writing at least 15 days prior to the month for which the requested revision is desired effective. If the investigation shows that a revision might be appropriate, the market administrator shall issue a notice stating that the revision is being considered and inviting written data, views, and arguments. Any decision to revise the delivery day requirement or the diversion percentage must be issued in writing at least one day before the effective date.

(e) Producer milk shall not include milk of a producer that is subject to a marketwide equalization pool under a milk classification and pricing plan under the authority of a State government.

[64 FR 48010, Sept. 1, 1999, as amended at 70 FR 9848, Mar. 1, 2005]

**§ 1131.14 Other source milk.**

See § 1000.14.

**§ 1131.15 Fluid milk product.**

See § 1000.15.

**§ 1131.16 Fluid cream product.**

See § 1000.16.

**§ 1131.17 [Reserved]**

**§ 1131.18 Cooperative association.**

See § 1000.18.

**§ 1131.19 Commercial food processing establishment.**

See § 1000.19.

HANDLER REPORTS

**§ 1131.30 Reports of receipts and utilization.**

Each handler shall report monthly so that the market administrator's office receives the report on or before the 7th day after the end of the month, in the detail and on the forms prescribed by the market administrator, as follows:

(a) With respect to each of its pool plants, the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the reporting handler, from sources other than handlers described in § 1000.9(c);

(2) Receipts of milk from handlers described in § 1000.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and bulk fluid cream products; and

(6) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of

any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in §1000.9(c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler described in §1131.10 shall report:

(1) The pounds of milk received from each of the handler's own-farm production units, showing separately the production of each farm unit and the number of dairy cows in production at each farm unit;

(2) Fluid milk products and bulk fluid cream products received at its plant or acquired for route disposition from pool plants, other order plants, and handlers described in §1000.9(c);

(3) Receipts of other source milk not reported pursuant to paragraph (d)(2) of this section;

(4) Inventories at the beginning and end of the month of fluid milk products and fluid cream products; and

(5) The utilization or disposition of all milk and milk products required to be reported pursuant to this paragraph.

(e) Each handler not specified in paragraphs (a) through (d) of this section shall report with respect to its receipts and utilization of milk and milk products in such manner as the market administrator may prescribe.

### §1131.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler that operates a pool plant pursuant to §1131.7 and each handler described in §1000.9(c) shall report to the market administrator its producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) The month;

(2) The producer's name and address;

(3) The daily and total pounds of milk received from the producer;

(4) The total butterfat content of such milk; and

(5) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to §1000.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

### §1131.32 Other reports.

In addition to the reports required pursuant to §1131.30 and §1131.31, each handler shall report any information the market administrator deems necessary to verify or establish each handler's obligation under the order.

## Classification of Milk

### §1131.40 Classes of utilization.

See §1000.40.

### §1131.41 [Reserved]

### §1131.42 Classification of transfers and diversions.

See §1000.42.

### §1131.43 General classification rules.

See §1000.43.

### §1131.44 Classification of producer milk.

See §1000.44.

### §1131.45 Market administrator's reports and announcements concerning classification.

See §1000.45.

## Class Prices

### §1131.50 Class prices, component prices, and advanced pricing factors.

See §1000.50.

### §1131.51 Class I differential and price.

The Class I differential shall be the differential established for Maricopa County, Arizona, which is reported in §1000.52. The Class I price shall be the price computed pursuant to §1000.50(a) for Maricopa County, Arizona.

### §1131.52 Adjusted Class I differentials.

See §1000.52.

### § 1131.53 Announcement of class prices, component prices, and advanced pricing factors.

See § 1000.53.

### § 1131.54 Equivalent price.

See § 1000.54.

UNIFORM PRICES

### § 1131.60 Handler's value of milk.

For the purpose of computing a handler's obligation for producer milk, the market administrator shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1000.9(c) with respect to milk that was not received at a pool plant by adding the amounts computed in paragraphs (a) through (e) of this section and subtracting from that total amount the value computed in paragraph (f) of this section. Receipts of nonfluid milk products that are distributed as labeled reconstituted milk for which payments are made to the producer-settlement fund of another Federal order under § 1000.76(a)(4) or (d) shall be excluded from pricing under this section.

(a) Multiply the pounds of skim milk and butterfat in producer milk that were classified in each class pursuant to § 1000.44(c) by the applicable skim milk and butterfat prices, and add the resulting amounts;

(b) Multiply the pounds of skim milk and butterfat overage assigned to each class pursuant to § 1000.44(a)(11) and the corresponding steps of § 1000.44(b) by the respective skim milk and butterfat prices applicable at the location of the pool plant;

(c) Multiply the difference between the current month's Class I, II, or III price, as the case may be, and the Class IV price for the preceding month by the hundredweight of skim milk and butterfat subtracted from Class I, II, or III, respectively, pursuant to § 1000.44(a)(7) and the corresponding step of § 1000.44(b);

(d) Multiply the difference between the Class I price applicable at the location of the pool plant and the Class IV price by the hundredweight of skim milk and butterfat assigned to Class I pursuant to § 1000.43(d) and the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1000.44(a)(3)(i) through (vi) and the corresponding step of § 1000.44(b), excluding receipts of bulk fluid cream products from plants regulated under other Federal orders and bulk concentrated fluid milk products from pool plants, plants regulated under other Federal orders, and unregulated supply plants;

(e) Multiply the Class I skim milk and Class I butterfat prices applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat in receipts of concentrated fluid milk products assigned to Class I pursuant to § 1000.43(d) and § 1000.44(a)(3)(i) and the corresponding step of § 1000.44(b) and the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1000.44(a)(8) and the corresponding step of § 1000.44(b), excluding such skim milk and butterfat in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order.

(f) For reconstituted milk made from receipts of nonfluid milk products, multiply $1.00 (but not more than the difference between the Class I price applicable at the location of the pool plant and the Class IV price) by the hundredweight of skim milk and butterfat contained in receipts of nonfluid milk products that are allocated to Class I use pursuant to § 1000.43(d).

[64 FR 48010, Sept. 1, 1999, as amended at 65 FR 82841, Dec. 28, 2000]

### § 1131.61 Computation of uniform prices.

On or before the 11th day of each month, the market administrator shall compute a uniform butterfat price, a uniform skim milk price, and a uniform price for producer milk receipts reported for the prior month. The report of any handler who has not made payments required pursuant to § 1131.71 for the preceding month shall not be

included in the computation of these prices, and such handler's report shall not be included in the computation for succeeding months until the handler has made full payment of outstanding monthly obligations.

(a) *Uniform butterfat price.* The uniform butterfat price per pound, rounded to the nearest one-hundredth cent, shall be computed by:

(1) Multiplying the pounds of butterfat in producer milk allocated to each class pursuant to §1000.44(b) by the respective class butterfat prices;

(2) Adding the butterfat value calculated in §1131.60(e) for other source milk allocated to Class I pursuant to §1000.43(d) and the steps of §1000.44(b) that correspond to §1000.44(a)(3)(i) and §1000.44(a)(8) by the Class I price; and

(3) Dividing the sum of paragraphs (a)(1) and (a)(2) of this section by the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section.

(b) *Uniform skim milk price.* The uniform skim milk price per hundredweight, rounded to the nearest cent, shall be computed as follows:

(1) Combine into one total the values computed pursuant to §1131.60 for all handlers;

(2) Add an amount equal to the minus location adjustments and subtract an amount equal to the plus location adjustments computed pursuant to §1131.75;

(3) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(4) Subtract the value of the total pounds of butterfat for all handlers. The butterfat value shall be computed by multiplying the sum of the pounds of butterfat in producer milk and other source milk used to calculate the values in paragraphs (a)(1) and (a)(2) of this section by the butterfat price computed in paragraph (a) of this section;

(5) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(i) The total skim pounds of producer milk; and

(ii) The total skim pounds for which a value is computed pursuant to §1131.60(e); and

(6) Subtract not less than 4 cents and not more than 5 cents.

(c) *Uniform price.* The uniform price per hundredweight, rounded to the nearest cent, shall be the sum of the following:

(1) Multiply the uniform butterfat price for the month pursuant to paragraph (a) of this section times 3.5 pounds of butterfat; and

(2) Multiply the uniform skim milk price for the month pursuant to paragraph (b) of this section times .965.

[64 FR 48010, Sept. 1, 1999, as amended at 65 FR 82841, Dec. 28, 2000]

### §1131.62 Announcement of uniform prices.

On or before the 11th day after the end of the month, the market administrator shall announce the uniform prices for the month computed pursuant to §1131.61.

## PAYMENTS FOR MILK

### §1131.70 Producer-settlement fund.

See §1000.70.

### §1131.71 Payments to the producer-settlement fund.

Each handler shall make payment to the producer-settlement fund in a manner that provides receipt of the funds by the market administrator no later than the 13th day after the end of the month (except as provided in §1000.90). Payments due the market administrator shall be deemed not to have been made until the money owed has been received at the market administrator's office, or deposited into the market administrator's bank account. Payment shall be the amount, if any, by which the amount specified in paragraph (a) of this section exceeds the amount specified in paragraph (b) of this section:

(a) The total value of milk to the handler for the month as determined pursuant to §1131.60.

(b) The sum of:

(1) The value at the uniform prices for skim milk and butterfat, adjusted for plant location, of the handler's receipts of producer milk; and

(2) The value at the uniform price as adjusted pursuant to §1131.75 applicable at the location of the plant from which

received of other source milk for which a value is computed pursuant to §1131.60(e).

### §1131.72 Payments from the producer-settlement fund.

No later than the 14th day after the end of each month (except as provided in §1000.90), the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §1131.71(b) exceeds the amount computed pursuant to §1131.71(a). If, at such time, the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete the payments as soon as the funds are available.

### §1131.73 Payments to producers and to cooperative associations.

(a) Except as provided in paragraphs (b) and (c) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) *Partial Payment.* For each producer who has not discontinued shipments as of the 25th day of the month, payment shall be made so that it is received by the producer on or before the 27th day of each month (except as provided in §1000.90) for milk received from such producer during the first 15 days of the month at not less than 1.3 times the lowest class price for the preceding month less proper deductions authorized in writing by the producer.

(2) *Final payment.* For milk received during the month, a payment computed as follows shall be made so that it is received by each producer one day after the payment date required in §1131.72:

(i) Multiply the hundredweight of producer skim milk received times the uniform skim milk price for the month;

(ii) Multiply the pounds of producer butterfat received times the uniform butterfat price for the month;

(iii) Multiply the hundredweight of producer milk received times the plant location adjustment pursuant to §1131.75; and

(iv) Add the amounts computed in paragraph (a)(2)(i), (ii), and (iii) of this section, and from that sum:

(A) Subtract the partial payment made pursuant to paragraph (a)(1) of this section;

(B) Subtract the deduction for marketing services pursuant to §1000.86;

(C) Add or subtract for errors made in previous payments to the producer, subject to approval by the market administrator; and

(D) Subtract proper deductions authorized in writing by the producer.

(b) Two days prior to the dates on which partial and final payments are due pursuant to paragraph (a) of this section, each handler shall pay a cooperative association for milk received as follows:

(1) *Partial payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk (including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk) received during the first 15 days of the month from a cooperative association in any capacity except as the operator of a pool plant, the payment shall be an amount not less than 1.3 times the lowest class price for the preceding month multiplied by the hundredweight of milk.

(2) *Partial payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the first 15 days of the month from a cooperative association in its capacity as the operator of a pool plant, the partial payment shall be at the pool plant operator's estimated use value of the milk using the most recent class prices available for skim milk and butterfat at the receiving plant's location.

(3) *Final payment to a cooperative association for milk transferred from its pool plant.* For bulk fluid milk products and bulk fluid cream products received during the month from a cooperative association in its capacity as the operator of a pool plant, the final payment shall be the classified value of such milk as determined by multiplying the pounds of skim milk and butterfat assigned to each class pursuant to §1000.44 by the

class prices for the month at the receiving plant's location, and subtracting from this sum the partial payment made pursuant to paragraph (b)(2) of this section.

(4) *Final payment to a cooperative association for bulk milk received directly from producers' farms.* For bulk milk received from a cooperative association during the month, including the milk of producers who are not members of such association and who the market administrator determines have authorized the cooperative association to collect payment for their milk, the final payment for such milk shall be an amount equal to the sum of the individual payments otherwise payable for such milk pursuant to paragraph (a)(2) of this section.

(c) If a handler has not received full payment from the market administrator pursuant to §1131.72 by the payment date specified in paragraph (a) or (b) of this section, the handler may reduce pro rata his payments pursuant to such paragraphs, but by not more than the amount of such underpayment. Payments to producers shall be completed on the next scheduled payment date after receipt of the balance due from the market administrator.

(d) If a handler claims that a required payment to a producer cannot be made because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, the payment shall be made to the producer-settlement fund. In the event the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make the required payment from the producer-settlement fund to the handler or the lawful claimant, as the case may be.

(e) In making payments to producers pursuant to this section, each pool plant operator shall furnish each producer, except a producer whose milk was received from a cooperative association described in §1000.9(a) or (c), a supporting statement in such form that it may be retained by the recipient which shall show:

(1) The month, and identity of the producer;

(2) The daily and total pounds and the total pounds of butterfat content of producer milk;

(3) The minimum rate at which payment to the producer is required pursuant to the order in this part;

(4) The rate used in making payments if the rate is other than the applicable minimum rate;

(5) The amount, rate per hundredweight, and nature of each deduction claimed by the handler; and

(6) The net amount of payment to the producer or cooperative association.

[64 FR 48010, Sept. 1, 1999, as amended at 65 FR 32010, May 22, 2000]

### § 1131.74 [Reserved]

### § 1131.75 Plant location adjustments for producers and nonpool milk.

For purposes of making payments for producer milk and nonpool milk, a plant location adjustment shall be determined by subtracting the Class I price specified in §1131.51 from the Class I price at the plant's location. The difference, plus or minus as the case may be, shall be used to adjust the payments required pursuant to §§1131.73 and 1000.76.

### § 1131.76 Payments by handler operating a partially regulated distributing plant.

See §1000.76.

### § 1131.77 Adjustment of accounts.

See §1000.77.

### § 1131.78 Charges on overdue accounts.

See §1000.78.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

### § 1131.85 Assessment for order administration.

See §1000.85.

### § 1131.86 Deduction for marketing services.

See §1000.86.

## PARTS 1132–1134 [RESERVED]

# PART 1135—MILK IN THE WESTERN MARKETING AREA

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

## Subpart—Order Regulating Handling

### § 1135.1 General provisions.

The terms, definitions, and provisions in part 1000 of this chapter apply to this part 1135. In this part 1135, all references to sections in part 1000 refer to part 1000 of this chapter.

[64 FR 48015, Sept. 1, 1999]

# PARTS 1136–1140 [RESERVED]

# PART 1145—DAIRY FORWARD PRICING PROGRAM

### Subpart A—Definitions

Sec.
1145. 1 Definitions.

### Subpart B—Program Rules

1145.2 Program.

### Subpart C—Enforcement

1145.3 Enforcement.

AUTHORITY: 7 U.S.C. 8772.

SOURCE: 73 FR 64871, Oct. 31, 2008, unless otherwise noted.

## Subpart A—Definitions

### § 1145.1 Definitions.

(a) *Program* means the dairy forward pricing program as established by Section 1502 of Public Law No. 110–246.

(b) *Eligible milk* means the quantity of milk equal to the contracting handler's Class II, III and IV utilization of producer milk, in product pounds, during the month, combining all plants of a single handler regulated under the same Federal milk marketing order.

(c) *Forward contract* means an agreement covering the terms and conditions for the sale of Class II, III or IV milk from a producer defined in 7 CFR 1001.12, 1005.12, 1006.12, 1007.12, 1030.12, 1032.12, 1033.12, 1124.12, 1126.12, 1131.12 or a cooperative association of producers defined in 7 CFR 1000.18, and a handler defined in 7 CFR 1000.9.

(d) *Contract milk* means the producer milk regulated under a Federal milk marketing order covered by a forward contract.

(e) *Disclosure statement* means the following statement which must be signed by each producer or cooperative representative entering into a forward contract with a handler before the Federal milk marketing order administrator will recognize the contract as satisfying the provisions of this program.

Attachment to § 1145.1, paragraph (e):

DISCLOSURE STATEMENT

I am voluntarily entering into a forward contract with [insert handler's name]. I have been given a copy of the contract. By signing this form, I understand that I am forfeiting my right to receive the Federal milk marketing order's minimum prices for that portion of the milk which is under contract for the duration of the contract. I also understand that this contract milk will be priced in accordance with the terms and conditions of the contract.

Printed Name: _____
Signature: _____
Date: _____
Address: _____
Producer Number: _____

(f) *Other definitions.* The definition of any term in parts 1000–1131 of this chapter apply to, and are hereby made a part of this part, as appropriate.

## Subpart B—Program Rules

### § 1145.2 Program.

(a) Any handler defined in 7 CFR 1000.9 may enter into forward contracts with producers or cooperative associations of producers for the handler's eligible volume of milk. Milk under forward contract in compliance with the provisions of this part will be exempt from the minimum payment provisions that would apply to such milk pursuant to 7 CFR 1001.73, 1005.73, 1006.73, 1007.73, 1030.73, 1032.73, 1033.73, 1124.73, 1126.73 and 1131.73 for the period of time covered by the contract.

(b) No forward price contract may be entered into under the program after September 30, 2012, and no forward contract entered into under the program may extend beyond September 30, 2015.

(c) Forward contracts must be signed and dated by the contracting handler and producer (or cooperative association) prior to the 1st day of the 1st month for which they are to be effective and must be received by the Federal milk market administrator by the 15th day of that month. The disclosure statement must be signed on the same date as the contract by each producer entering into a forward contract, and this signed disclosure statement must be attached to or otherwise included in each contract submitted to the market administrator.

(d) In the event that a handler's contract milk exceeds the handler's eligible milk for any month in which the specified contract price(s) are below the order's minimum prices, the handler must designate which producer milk shall not be contract milk. If the handler does not designate the suppliers of the over-contracted milk, the market administrator shall prorate the over-contracted milk to each producer and cooperative association having a forward contract with the handler.

(e) Payments for milk covered by a forward contract must be made on or before the dates applicable to payments for milk that are not under forward contract under the respective Federal milk marketing order.

(f) Nothing in this part shall impede the contractual arrangements that exist between a cooperative association and its members.

## Subpart C—Enforcement

### § 1145.3 Enforcement.

A handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers. USDA will investigate all complaints made by producers or cooperative associations alleging coercion by handlers to enter into forward contracts and based on the results of the investigation will take appropriate action.

# PART 1150—DAIRY PROMOTION PROGRAM

## Subpart—Dairy Promotion and Research Order

DEFINITIONS

Sec.
1150.101 Act.
1150.102 Department.
1150.103 Secretary.
1150.104 Board.
1150.105 Person.
1150.106 United States.
1150.107 Fiscal period.
1150.108 Eligible organization.
1150.109 Qualified program.
1150.110 Producer.
1150.111 Milk.
1150.112 Dairy products.
1150.113 Fluid milk products.
1150.114 Promotion.
1150.115 Research.
1150.116 Nutrition education.
1150.117 Plans and projects.
1150.118 Marketing.
1150.119 Cooperative association.
1150.120 Imported dairy product.
1150.121 Importer.
1150.122 CBP.

NATIONAL DAIRY PROMOTION AND RESEARCH BOARD

1150.131 Establishment and membership.
1150.132 Term of office.
1150.133 Nominations.
1150.134 Nominee's agreement to serve.
1150.135 Appointments.
1150.136 Vacancies.
1150.137 Procedure.
1150.138 Compensation and reimbursement.
1150.139 Powers of the Board.
1150.140 Duties of the Board.

EXPENSES AND ASSESSMENTS

1150.151 Expenses.
1150.152 Assessments.
1150.153 Qualified dairy product promotion, research or nutrition education programs.
1150.154 Influencing governmental action.
1150.155 Adjustment of accounts.
1150.156 Charges and penalties.
1150.157 Assessment exemption.

PROMOTION, RESEARCH AND NUTRITION EDUCATION

1150.161 Promotion, research and nutrition education.

REPORTS, BOOKS AND RECORDS

1150.171 Reports.
1150.172 Books and records.
1150.173 Confidential treatment.

MISCELLANEOUS

1150.181 Proceedings after termination.
1150.182 Effect of termination or amendment.
1150.183 Personal liability.
1150.184 Patents, copyrights, inventions and publications.
1150.185 Amendments.
1150.186 Separability.
1150.187 Paperwork Reduction Act assigned number.

### Subpart—Procedure for Certification of Milk Producer Organizations

1150.270 General.
1150.271 Definitions.
1150.272 Responsibility for administration of regulations.
1150.273 Application for certification.
1150.274 Certification standards.
1150.275 Inspection and investigation.
1150.276 Review of certification.
1150.277 Listing of certified organizations.
1150.278 Confidential treatment.

AUTHORITY: 7 U.S.C. 4501–4514 and 7 U.S.C. 7401

SOURCE: 49 FR 11816, Mar. 28, 1984, unless otherwise noted.

## Subpart—Dairy Promotion and Research Order

DEFINITIONS

### § 1150.101 Act.

*Act* means Title I, Subtitle B, of the Dairy and Tobacco Adjustment Act of 1983, Pub. L. 98–180, 97 Stat. 1128, as approved November 29, 1983, and any amendments thereto.

### § 1150.102 Department.

*Department* means the United States Department of Agriculture.

### § 1150.103 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

### § 1150.104 Board.

*Board* means the National Dairy Promotion and Research Board established pursuant to § 1150.131.

### § 1150.105 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative or other entity.

### § 1150.106 United States.

*United States* means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.

[76 FR 14787, Mar. 18, 2011]

### § 1150.107 Fiscal period.

*Fiscal period* means the calendar year or such other annual period as the Board may determine.

### § 1150.108 Eligible organization.

*Eligible organization* means any organization which has been certified by the Secretary pursuant to §§ 1150.270 through 1150.278 of this part.

### § 1150.109 Qualified program.

*Qualified program* means any dairy product promotion, research or nutrition education program which is certified as a qualified program pursuant to § 1150.153.

[76 FR 14788, Mar. 18, 2011]

### § 1150.110 Producer.

*Producer* means any person engaged in the production of milk for commercial use.

### § 1150.111 Milk.

*Milk* means any class of cow's milk.

[76 FR 14788, Mar. 18, 2011]

### § 1150.112 Dairy products.

*Dairy products* means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products.

### § 1150.113 Fluid milk products.

*Fluid milk products* means those milk products normally consumed in liquid form as a beverage.

### § 1150.114 Promotion.

*Promotion* means actions such as paid advertising, sales promotion, and publicity to advance the image and sales

of, and demand for, dairy products generally.

**§ 1150.115 Research.**

*Research* means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for dairy products.

**§ 1150.116 Nutrition education.**

*Nutrition education* means those activities intended to broaden the understanding of sound nutritional principles, including the role of milk and dairy products in a balanced diet.

**§ 1150.117 Plans and projects.**

*Plans and projects* means promotion, research and nutrition education plans, studies or projects pursuant to §§ 1150.139, 1150.140 and 1150.161.

**§ 1150.118 Marketing.**

*Marketing* means the sale or other disposition in commerce of dairy products.

**§ 1150.119 Cooperative association.**

*Cooperative association* means any cooperative marketing association of producers which is organized under the provisions of the Act of Congress of February 18, 1922, as amended, known as the ''Capper-Volstead Act''.

**§ 1150.120 Imported dairy product.**

*Imported dairy product* means any product that is imported into the United States under any of the Harmonized Tariff Schedule (HTS) classification numbers listed in § 1150.152(b)(1).

[76 FR 14788, Mar. 18, 2011]

**§ 1150.121 Importer.**

*Importer* means a person that imports imported dairy products into the United States as a principal or as an agent, broker, or consignee of any person who produces or handles dairy products outside of the United States for sale in the United States, and who is listed as the importer of record for such dairy products.

[76 FR 14788, Mar. 18, 2011]

**§ 1150.122 CBP.**

*CBP* means the United States Customs and Border Protection of the Department of Homeland Security.

[76 FR 14788, Mar. 18, 2011]

## NATIONAL DAIRY PROMOTION AND RESEARCH BOARD

**§ 1150.131 Establishment and membership.**

(a) There is hereby established a National Dairy Promotion and Research Board.

(b) Thirty-six members of the Board shall be United States producers. For purposes of nominating producers to the Board, the United States shall be divided into twelve geographic regions and the number of Board members from each region shall be as follows:

(1) Two members from region number one comprised of the following States: Alaska, Oregon and Washington.

(2) Seven members from region number two comprised of the following States: California and Hawaii.

(3) Two members from region number three comprised of the following States: Arizona, Colorado, Montana, Nevada, Utah and Wyoming.

(4) Four members from region number four comprised of the following States: Arkansas, Kansas, New Mexico, Oklahoma and Texas.

(5) Two members from region number five comprised of the following States: Minnesota, North Dakota and South Dakota.

(6) Five members from region number six comprised of the following State: Wisconsin.

(7) Two members from region number seven comprised of the following States: Illinois, Iowa, Missouri and Nebraska.

(8) Two members from region number eight comprised of the following State: Idaho.

(9) Three members from region number nine comprised of the following States: Indiana, Michigan, Ohio and West Virginia.

(10) Two members from region number ten comprised of the following States: Alabama, District of Columbia, Florida, Georgia, Kentucky, Louisiana,

Mississippi, North Carolina, Commonwealth of Puerto Rico, South Carolina, Tennessee, and Virginia.

(11) Two members from region number eleven comprised of the following States: Delaware, Maryland, New Jersey and Pennsylvania.

(12) Three members from region number twelve comprised of the following States: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

(c) Two members of the Board shall be importers who are subject to assessments under §1150.152(b).

(d) The Board shall be composed of milk producers and importers appointed by the Secretary either from nominations submitted pursuant to §1150.133 or in accordance with §1150.136. A milk producer may be nominated only to represent the region in which such producer's milk is produced.

(e) At least every five years, and not more than every three years, the 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 regions and/or a modification of the number of producer members from regions in order to best reflect the geographic distribution of milk production volume in the United States.

(f) At least once every three years, after the initial appointment of importer representatives on the Board, the Secretary shall review the average volume of domestic production of dairy products compared to the average volume of imports of dairy products into the United States during the previous three years and, on the basis of that review, if warranted, reapportion the importer representation on the Board to reflect the proportional shares of the United States market served by domestic production and imported dairy products. The basis for comparison of domestic production of dairy products to imported products shall be estimated total milk solids. The calculation of total milk solids of imported dairy products for reapportionment purposes shall be the same as the calculation of total milk solids of imported dairy products for assessment purposes.

(g) In determining the volume of milk produced and total milk solids of dairy products produced in the United States, the Board and Secretary shall utilize the information received by the Board pursuant to §1150.171(a) and data published by the Department.

[76 FR 14788, Mar. 18, 2011, as amended at 76 FR 80216, Dec. 23, 2011]

### §1150.132 Term of office.

(a) The members of the Board shall serve for terms of three years, except that:

(1) The members appointed to the initial Board shall serve proportionately, for terms of one, two and three years.

(2) The 2 importer members initially appointed to the Board shall serve until October 31, 2013, and October 31, 2014.

(b) Each member of the Board shall serve until October 31 of the year in which his/her term expires, except that a retiring member may serve until a successor is appointed.

(c) No member shall serve more than two consecutive terms.

[49 FR 11816, Mar. 28, 1984, as amended at 60 FR 53253, Oct. 13, 1995; 76 FR 14788, Mar. 18, 2011]

### §1150.133 Nominations.

Nominations for members of the Board shall be made in the following manner:

(a) The Secretary shall solicit nominations for producer representation on the Board from all eligible organizations. For nominations of producers, if the Secretary determines that a substantial number of producers are not members of, or their interests are not represented by, such eligible organizations, the Secretary shall also solicit nominations from such producers through general farmer organizations or by other means.

(b) After the appointment of the initial Board, the Secretary shall announce at least 120 days in advance when a Board member's term is expiring and shall solicit nominations for that position in the manner described

in paragraph (a) of this section. Nominations for such position should be submitted to the Secretary not less than 60 days prior to the expiration of such term.

(c) An eligible producer organization may submit nominations only for positions on the Board that represent regions in which such eligible organization can establish that it represents a substantial number of producers. If there is more than one Board position for any such region, the organization may submit nominations for each position.

(d) Where there is more than one eligible organization representing producers in a specific geographic region, the organizations may caucus and jointly nominate producers for each position representing that region on the Board for which a member is to be appointed. If joint agreement is not reached with respect to any such nominations, or if no caucus is held, each eligible organization may submit to the Secretary nominations for each appointment to be made to represent that region.

(e) Nominations for representation of importers may be submitted by:

(1) Organizations that represent importers of dairy products, as approved by the Secretary. The primary considerations in determining if organizations adequately represent importers of dairy products shall be whether its membership consists primarily of importers of dairy products and whether a substantial interest of the organization is in the importation of dairy products and the promotion of the nutritional attributes of dairy products; and

(2) Individual importers of dairy products. Individual importers submitting nominations to represent importers on the Board must establish to the satisfaction of the Secretary that the persons submitting the nominations are importers of dairy products.

[49 FR 11816, Mar. 28, 1984, as amended at 76 FR 14788, Mar. 18, 2011]

### § 1150.134 Nominee's agreement to serve.

Any producer or importer nominated to serve on the Board shall file with the Secretary at the time of the nomination a written agreement to:

(a) Serve on the Board if appointed;

(b) Disclose any relationship with any organization that operates a qualified program or has a contractual relationship with the Board; and

(c) Withdraw from participation in deliberations, decision-making, or voting on matters where paragraph (b) applies.

[49 FR 11816, Mar. 28, 1984, as amended at 76 FR 14789, Mar. 18, 2011]

### § 1150.135 Appointments.

From the nominations made pursuant to § 1150.133, the Secretary shall appoint the members of the Board on the bases of representation provided for in §§ 1150.131(b) and 1150.131(c).

[76 FR 14789, Mar. 18, 2011]

### § 1150.136 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Board, the Secretary shall appoint a successor from the most recent list of nominations for the position or from nominations made by the Board.

### § 1150.137 Procedure.

(a) A majority of the members shall constitute a quorum at a properly convened meeting of the Board. Any action of the Board shall require the concurring votes of at least a majority of those present and voting. The Board shall establish rules concerning timely notice of meetings.

(b) The Board may take action upon the concurring votes of a majority of its members by mail, telephone, or telegraph when in the opinion of the chairman of the Board such action must be taken before a meeting can be called. Action taken by this emergency procedure is valid only if all members are notified and provided the opportunity to vote and any telephone vote is confirmed promptly in writing. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Board.

[49 FR 11816, Mar. 28, 1984, as amended at 50 FR 9984, Mar. 13, 1985]

### § 1150.138 Compensation and reimbursement.

The members of the Board shall serve without compensation but shall be reimbursed for necessary and reasonable expenses, including a per diem allowance as recommended by the Board and approved by the Secretary, incurred by them in the performance of their duties under this subpart.

### § 1150.139 Powers of the Board.

The Board shall have the following powers:

(a) To receive and evaluate, or on its own initiative develop, and budget for plans or projects to promote the use of fluid milk and dairy products as well as projects for research and nutrition education and to make recommendations to the Secretary regarding such proposals;

(b) To administer the provisions of this subpart in accordance with its terms and provisions;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart;

(d) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(e) To disseminate information to producers, producer organizations, importers, and importer organizations through programs or by direct contact utilizing the public postage system or other systems;

(f) To select committees and subcommittees of Board members, and to adopt such rules for the conduct of its business as it may deem advisable;

(g) To establish advisory committees of persons other than Board members and pay the necessary and reasonable expenses and fees of the members of such committees;

(h) To recommend to the Secretary amendments to this subpart; and

(i) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1150.152 in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

[49 FR 11816, Mar. 28, 1984, as amended at 76 FR 14789, Mar. 18, 2011]

### § 1150.140 Duties of the Board.

The Board shall have the following duties:

(a) To meet not less than annually, and to organize and select from among its members a chairman and such other officers as may be necessary;

(b) To appoint from its members an executive committee whose membership shall equally reflect each of the different geographic regions in the United States in which milk is produced and importer representation on the Board, and to delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Board and within the policies determined by the Board;

(c) To appoint or employ such persons as it may deem necessary and define the duties and determine the compensation of each;

(d) To review all programs that promote milk and dairy products on a brand or trade name basis that have requested certification pursuant to § 1150.153, and to recommend to the Secretary whether such request should be granted;

(e) To develop and submit to the Secretary for approval, promotion, research, and nutrition education plans or projects resulting from research or studies conducted either by the Board or others;

(f) To solicit, among other proposals, research proposals that would increase the use of fluid milk and dairy products by the military and by persons in developing nations, and that would demonstrate the feasibility of converting surplus nonfat dry milk to casein for domestic and export use;

(g) To prepare and submit to the Secretary for approval, budgets on a fiscal period basis of its anticipated expenses and disbursements in the administration of this subpart, including probable costs of promotion, research and nutrition education plans or projects, and also including a general description of the proposed promotion, research and

nutrition education programs contemplated therein;

(h) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and prepare and submit such reports from time to time to the Secretary as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(i) With the approval of the Secretary, to enter into contracts or agreements with national, regional or State dairy promotion and research organizations or other organizations or entities for the development and conduct of activities authorized under §§ 1150.139 and 1150.161, and for the payment of the cost thereof with funds collected through assessments pursuant to § 1150.152. Any such contract or agreement shall provide that:

(1) The contractors shall develop and submit to the Board a plan or project together with a budgets or budget which shall show the estimated cost to be incurred for such plan or project;

(2) Any such plan or project shall become effective upon approval of the Secretary; and

(3) The contracting party shall keep accurate records of all of its transactions and make periodic reports to the Board of activities conducted and an accounting for funds received and expended, and such other reports as the Secretary or the Board may require. The Secretary or employees of the Board may audit periodically the records of the contracting party;

(j) To prepare and make public, at least annually, a report of its activities carried out and an accounting for funds received and expended;

(k) To have an audit of its financial statements conducted by a certified public accountant in accordance with generally accepted auditing standards, at least once each fiscal period and at such other times as the Secretary may request, and to submit a copy of each such audit report to the Secretary;

(l) To give the Secretary the same notice of meetings of the Board, committees of the Board and advisory committees as is given to such Board or committee members in order that the Secretary, or a representative of the Secretary, may attend such meetings;

(m) To submit to the Secretary such information pursuant to this subpart as may be requested; and

(n) To encourage the coordination of programs of promotion, research and nutrition education designed to strengthen the dairy industry's position in the marketplace and to maintain and expand:

(1) domestic markets and domestic uses for fluid milk and dairy products produced in the United States or imported into the United States; and

(2) foreign markets and foreign uses for fluid milk and dairy products produced in the United States.

[49 FR 11816, Mar. 28, 1984, as amended at 76 FR 14789, Mar. 18, 2011]

EXPENSES AND ASSESSMENTS

### § 1150.151 Expenses.

(a) The Board is authorized to incur such expenses (including provision for a reasonable reserve) as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. However, after the first full year of operation of the order, administrative expenses incurred by the Board shall not exceed 5 percent of the projected revenue of that fiscal year. Such expenses shall be paid from assessments collected pursuant to § 1150.152.

(b) The Board shall reimburse the Secretary, from assessments collected pursuant to § 1150.152, for administrative costs incurred by the Department after May 1, 1984.

(c) The Board is authorized to expend up to the amount of the assessments collected from United States producers to promote dairy products produced in the United States in foreign markets.

[49 FR 11816, Mar. 28, 1984, as amended at 76 FR 14789, Mar. 18, 2011]

### § 1150.152 Assessments.

(a) *Domestic Assessments.* (1) Each person making payment to a producer for milk produced in the United States and marketed for commercial use shall collect an assessment on all such milk

handled for the account of the producer at the rate of 15 cents per hundredweight of milk for commercial use, or the equivalent thereof, and shall remit the assessment to the Board.

(2) Any producer marketing milk of that producer's own production in the form of milk or dairy products to consumers, either directly or through retail or wholesale outlets, shall remit to the Board an assessment on such milk at the rate of 15 cents per hundredweight of milk for commercial use or the equivalent thereof.

(3) In determining the assessment due from each producer pursuant to §1150.152(a)(1) and (a)(2), a producer who is participating in a qualified program(s) under §1150.153 shall receive a credit for contributions to such program(s), but not to exceed 10 cents per hundredweight of milk marketed.

(4) In order for a producer described in §1150.152(a)(1) to receive the credit authorized in §1150.152(a)(3), either the producer or a cooperative association on behalf of the producer must establish to the person responsible for remitting the assessment to the Board that the producer is contributing to a qualified program under §1150.153. Producers who contribute to a qualified program directly (other than through a payroll deduction) must establish with the person responsible for remitting the assessment to the Board, with validation by the qualified program, that they are making such contributions.

(5) In order for a producer described in §1150.152(a)(2) to receive the credit authorized in §1150.152(a)(3), the producer and the applicable qualified program must establish to the Board that the producer is contributing to the qualified program.

(6) The collection of assessments pursuant to §1150.152(a)(1) and (a)(2) shall begin with respect to milk marketed on and after the effective date of this section and shall continue until terminated by the Secretary.

(7) Each person responsible for the remittance of the assessment pursuant to §1150.152(a)(1) and (a)(2) shall remit the assessment to the Board not later than the last day of the month following the month in which the milk was marketed.

(8) Money remitted to the Board shall be in the form of a negotiable instrument made payable to ''National Dairy Promotion and Research Board.'' Remittances and reports specified in §1150.171(a) shall be mailed to the location designated by the Secretary or the Board.

(b) *Importer Assessments.* (1) Each importer of dairy products identified in the following table, except for as provided for in §1150.157, is responsible for paying an assessment of 7.5 cents per hundredweight of U.S. milk, or equivalent thereof. The importer shall use the assessment rate of $0.01327 per kilogram (kg) of milk solids to calculate and pay the assessment.

| HTS Nos. for dairy import assessment |
|---|
| 0401.10.0000 |
| 0401.20.2000 |
| 0401.20.4000 |
| 0401.30.0500 |
| 0401.30.2500 |
| 0401.30.5000 |
| 0401.30.7500 |
| 0402.10.1000 |
| 0402.10.5000 |
| 0402.21.0500 |
| 0402.21.2500 |
| 0402.21.3000 |
| 0402.21.5000 |
| 0402.21.7500 |
| 0402.21.9000 |
| 0402.29.1000 |
| 0402.29.5000 |
| 0402.91.1000 |
| 0402.91.3000 |
| 0402.91.7000 |
| 0402.91.9000 |
| 0402.99.1000 |
| 0402.99.3000 |
| 0402.99.4500 |
| 0402.99.5500 |
| 0402.99.7000 |
| 0402.99.9000 |
| 0403.10.1000 |
| 0403.10.5000 |
| 0403.10.9000 |
| 0403.90.0400 |
| 0403.90.1600 |
| 0403.90.2000 |
| 0403.90.4110 |

| HTS Nos. for dairy import assessment | HTS Nos. for dairy import assessment |
|---|---|
| 0403.90.4190 | 0406.10.8800 |
| 0403.90.4500 | 0406.20.1500 |
| 0403.90.5100 | 0406.20.2400 |
| 0403.90.5500 | 0406.20.2800 |
| 0403.90.6100 | 0406.20.3110 |
| 0403.90.6500 | 0406.20.3190 |
| 0403.90.7400 | 0406.20.3300 |
| 0403.90.7800 | 0406.20.3600 |
| 0403.90.8500 | 0406.20.3900 |
| 0403.90.9000 | 0406.20.4400 |
| 0403.90.9500 | 0406.20.4800 |
| 0404.10.0500 | 0406.20.5100 |
| 0404.10.1100 | 0406.20.5300 |
| 0404.10.1500 | 0406.20.6100 |
| 0404.10.2000 | 0406.20.6300 |
| 0404.10.5010 | 0406.20.6500 |
| 0404.10.5090 | 0406.20.6700 |
| 0404.10.9000 | 0406.20.6900 |
| 0404.90.1000 | 0406.20.7100 |
| 0404.90.3000 | 0406.20.7300 |
| 0404.90.5000 | 0406.20.7500 |
| 0404.90.7000 | 0406.20.7700 |
| 0405.10.1000 | 0406.20.7900 |
| 0405.10.2000 | 0406.20.8100 |
| 0405.20.2000 | 0406.20.8300 |
| 0405.20.3000 | 0406.20.8500 |
| 0405.20.4000 | 0406.20.8700 |
| 0405.20.6000 | 0406.20.8900 |
| 0405.20.7000 | 0406.20.9100 |
| 0405.20.8000 | 0406.30.0500 |
| 0405.90.1020 | 0406.30.1400 |
| 0405.90.1040 | 0406.30.1800 |
| 0405.90.2020 | 0406.30.2400 |
| 0405.90.2040 | 0406.30.2800 |
| 0406.10.0400 | 0406.30.3400 |
| 0406.10.0800 | 0406.30.3800 |
| 0406.10.1400 | 0406.30.4400 |
| 0406.10.1800 | 0406.30.4800 |
| 0406.10.2400 | 0406.30.5100 |
| 0406.10.2800 | 0406.30.5300 |
| 0406.10.3400 | 0406.30.6100 |
| 0406.10.3800 | 0406.30.6300 |
| 0406.10.4400 | 0406.30.6500 |
| 0406.10.4800 | 0406.30.6700 |
| 0406.10.5400 | 0406.30.6900 |
| 0406.10.5800 | 0406.30.7100 |
| 0406.10.6400 | 0406.30.7300 |
| 0406.10.6800 | 0406.30.7500 |
| 0406.10.7400 | 0406.30.7700 |
| 0406.10.7800 | 0406.30.7900 |
| 0406.10.8400 | 0406.30.8100 |

| HTS Nos. for dairy import assessment |
|---|
| 0406.30.8300 |
| 0406.30.8500 |
| 0406.30.8700 |
| 0406.30.8900 |
| 0406.30.9100 |
| 0406.40.4400 |
| 0406.40.4800 |
| 0406.40.5400 |
| 0406.40.5800 |
| 0406.40.7000 |
| 0406.90.0810 |
| 0406.90.0890 |
| 0406.90.1200 |
| 0406.90.1600 |
| 0406.90.1800 |
| 0406.90.3100 |
| 0406.90.3200 |
| 0406.90.3300 |
| 0406.90.3600 |
| 0406.90.3700 |
| 0406.90.4100 |
| 0406.90.4200 |
| 0406.90.4600 |
| 0406.90.4800 |
| 0406.90.4900 |
| 0406.90.5200 |
| 0406.90.5400 |
| 0406.90.6600 |
| 0406.90.6800 |
| 0406.90.7200 |
| 0406.90.7400 |
| 0406.90.7600 |
| 0406.90.7800 |
| 0406.90.8200 |
| 0406.90.8400 |
| 0406.90.8600 |
| 0406.90.8800 |
| 0406.90.9000 |
| 0406.90.9200 |
| 0406.90.9300 |
| 0406.90.9400 |
| 0406.90.9500 |
| 0406.90.9700 |
| 0406.90.9900 |
| 1517.90.5000 |
| 1517.90.6000 |
| 1702.11.0000 |
| 1702.19.0000 |
| 1704.90.5400 |
| 1704.90.5800 |
| 1806.20.2090 |
| 1806.20.2400 |
| 1806.20.2600 |
| 1806.20.2800 |
| 1806.20.3400 |
| 1806.20.3600 |
| 1806.20.3800 |
| 1806.20.8100 |
| 1806.20.8200 |
| 1806.20.8300 |
| 1806.20.8500 |
| 1806.20.8700 |
| 1806.20.8900 |
| 1806.32.0400 |
| 1806.32.0600 |
| 1806.32.0800 |
| 1806.32.1400 |
| 1806.32.1600 |
| 1806.32.1800 |
| 1806.32.6000 |
| 1806.32.7000 |
| 1806.32.8000 |
| 1806.90.0500 |
| 1806.90.0800 |
| 1806.90.1000 |
| 1806.90.1500 |
| 1806.90.1800 |
| 1806.90.2000 |
| 1806.90.2500 |
| 1806.90.2800 |
| 1806.90.3000 |
| 1901.10.1500 |
| 1901.10.3000 |
| 1901.10.3500 |
| 1901.10.4000 |
| 1901.10.4500 |
| 1901.20.0500 |
| 1901.20.1500 |
| 1901.20.2000 |
| 1901.20.2500 |
| 1901.20.3000 |
| 1901.20.3500 |
| 1901.20.4000 |
| 1901.20.4500 |
| 1901.20.5000 |
| 1901.90.2800 |
| 1901.90.3400 |
| 1901.90.3600 |
| 1901.90.4200 |
| 1901.90.4300 |
| 1901.90.7000 |
| 2105.00.1000 |

| HTS Nos. for dairy import assessment |
|---|
| 2105.00.2000 |
| 2105.00.3000 |
| 2105.00.4000 |
| 2106.90.0600 |
| 2106.90.0900 |
| 2106.90.2400 |
| 2106.90.2600 |
| 2106.90.2800 |
| 2106.90.3400 |
| 2106.90.3600 |
| 2106.90.3800 |
| 2106.90.6400 |
| 2106.90.6600 |
| 2106.90.6800 |
| 2106.90.7200 |
| 2106.90.7400 |
| 2106.90.7600 |
| 2106.90.7800 |
| 2106.90.8000 |
| 2106.90.8200 |
| 2202.90.1000 |
| 2202.90.2400 |
| 2202.90.2800 |
| 3501.10.1000 |
| 3501.10.5000 |
| 3501.90.6000 |
| 3502.20.0000 |

(2) The assessment on imported dairy products shall be paid by the importer to CBP at the time of entry summary for any products identified in §1150.152(b)(1).

(3) The assessments collected by CBP pursuant to §1150.152(b)(2) of this section shall be transferred to the Board in compliance with an agreement between CBP and the Secretary.

(4) The Secretary, at his or her discretion, shall verify the information reported by importers to CBP to determine if additional money is due the Board or an amount is due to an importer based on the quantity imported and the milk solids content per unit. In the case of money due to an importer from the Board, the Board will issue payment promptly to the importer. In the case of money due from the importer to the Board, the Secretary will send an invoice for payment directly to the importer. The remittance will be due to the Secretary upon receipt of the invoice. The Secretary will promptly forward such payments received to the Board.

(5) If an importer elects to have funds remitted to a qualified program(s), the importer shall inform the Secretary of such designation by sending a letter to an address provided by the Secretary. Importer remittances for qualified program(s) shall not exceed 2.5 cents per hundredweight of milk, or equivalent thereof, of the 7.5 cents per hundredweight of milk, or equivalent thereof, paid by the importer pursuant to §1150.152(b)(1). The Secretary shall compute the funds due for each qualified program designated by importers and direct the Board to forward such funds to each qualified program.

(6) Assessments collected on imported dairy products shall not be used for foreign market promotion of United States dairy products.

(7) Any money received by the Board pursuant to §1150.152(b)(1) before the Secretary appoints the initial importer representatives to the Board shall not be spent by the Board but shall be held in escrow until such appointment.

(8) The collection of assessments pursuant to §1150.152(a) and (b) shall continue until terminated by the Secretary.

[76 FR 14789, Mar. 18, 2011]

### § 1150.153 Qualified dairy product promotion, research or nutrition education programs.

(a) Any producer organization that conducts a State or regional dairy product promotion, research or nutrition education program, authorized by Federal or State law; or has been an active and ongoing producer program before enactment of the Act; or is an importer organization that conducts a promotion, research, or nutrition education program may apply to the Secretary for certification of qualification so that:

(1) Producers may receive credit pursuant to §1150.152(a)(3) for contributions to such program; and

(2) The Board may remit payments designated by importers pursuant to §1150.152(b)(5).

(b) In order to be certified by the Secretary as a qualified program, the program must:

(1) Conduct activities as defined in §§ 1150.114, 1150.115, and 1150.116 that are intended to increase consumption of milk and dairy products generally;

(2) Except for producer programs operated under the laws of the United States or any State, and except for importer programs, have been active and ongoing before enactment of the Act;

(3) For producer organizations, be financed primarily by producers, either individually or through cooperative associations, or for importer organizations, be financed primarily by importers;

(4) Not use a private brand or trade name in its advertising and promotion of dairy products unless the Board recommends and the Secretary concurs that such preclusion should not apply;

(5) Certify to the Secretary that any requests from producers or importers for refunds under the program will be honored by forwarding to either the Board or a qualified program designated by the producer or importer that portion of such refunds equal to the amount that otherwise would be applicable to that program pursuant to § 1150.152(a)(3) or (b)(5); and

(6) Not use program funds for the purpose of influencing governmental policy or action.

(c) An application for certification of qualifications of any dairy product promotion, research or nutrition education program which does not satisfy the requirements specified in paragraph (b) of this section shall be denied. The certification of any qualified program which fails to satisfy the requirements specified in paragraph (b) of this section after certification shall be subject to suspension or termination.

(1) Prior to the denial of an application for certification of qualification, or the suspension or termination of an existing certification, the Director of the Dairy Division shall afford the applicant or the holder of an existing certification an opportunity to achieve compliance with the requirements for certification within a reasonable time, as determined by the Director.

(2) Any dairy product promotion, research or nutrition education program whose application for certification of qualification is to be denied, or whose certification of qualification is to be suspended or terminated shall be given written notice of such pending action and shall be afforded an opportunity to petition the Secretary for a review of the action. The petition shall be in writing and shall state the facts relevant to the matter for which the review is sought, and whether petitioner desires an informal hearing. If an informal hearing is not requested, the Director of the Dairy Division shall issue a final decision setting forth the action to be taken and the basis for such action. If petitioner requests a hearing, the Director of the Dairy Division, or a person designated by the Director, shall hold an informal hearing in the following manner:

(i) Notice of a hearing shall be given in writing and shall be mailed to the last known address of the petitioner or of the program, or to an officer thereof, at least 20 days before the date set for the hearing. Such notice shall contain the time and place of the hearing and may contain a statement of the reason for calling the hearing and the nature of the questions upon which evidence is desired or upon which argument may be presented. The hearing place shall be as convenient to the State or regional program as can reasonably be arranged.

(ii) Hearings are not to be public and are to be attended only by representatives of the petitioner or the program and of the U.S. Government, and such other parties as either the program or the U.S. Government desires to have appear for purposes of submitting information or as counsel.

(iii) The Director of the Dairy Division, or a person designated by the Director, shall be the presiding officer at the hearing. The hearing shall be conducted in such manner as will be most conducive to the proper disposition of the matter. Written statements or briefs may be filed by the petitioner or the program, or other participating parties, within the time specified by the presiding officer.

(iv) The presiding officer shall prepare preliminary findings setting forth a recommendation as to what action should be taken and the basis for such action. A copy of such findings shall be

served upon the petitioner or the program by mail or in person. Written exceptions to the findings may be filed within 10 days after service thereof.

(v) After due consideration of all the facts and the exceptions, if any, the Director of the Dairy Division shall issue a final decision setting forth the action to be taken and the basis for such action.

[49 FR 11816, Mar. 28, 1984, as amended at 56 FR 8258, Feb. 28, 1991; 76 FR 14791, Mar. 18, 2011]

### § 1150.154 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this subpart.

### § 1150.155 Adjustment of accounts.

(a) Whenever the Board or the Department determines through an audit of a person's reports, records, books or accounts or through some other means that additional money is due the Board or that money is due such person from the Board in accordance with 1150.152(a), such person shall be notified of the amount due. The person shall then remit any amount due the Board by the next date for remitting assessments as provided in §1150.152(a). Overpayments shall be credited to the account of the person remitting the overpayment and shall be applied against amounts due in succeeding months.

(b) Any importer of dairy products against whose imports an assessment has been collected under §1150.152(b) who believes that such assessment or any portion of such assessment was made on milk solids of U.S. origin or milk solids other than cow's milk may apply to the Secretary for a reimbursement. The importer would be required to submit satisfactory proof to the Secretary that the importer paid the assessment for milk solids from milk produced from the U.S. or milk solids other than cow's milk solids. The Secretary will instruct the Board to send such reimbursement to the importer.

[76 FR 14791, Mar. 18, 2011]

### § 1150.156 Charges and penalties.

(a) *Late-payment charge.* Any unpaid assessments due to the Board pursuant to §1150.152 shall be increased 1.5 percent each month beginning with the day following the date such assessments were due. Any remaining amount due, which shall include any unpaid charges previously made pursuant to this section, shall be increased at the same rate on the corresponding day of each month thereafter until paid.

(1) For the purpose of this section, any assessment pursuant to §1150.152(a) that was determined at a date later than prescribed by this subpart because of a person's failure to submit a report to the Board 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. The timeliness of a payment to the Board shall be based on the applicable postmark date or the date actually received by the Board, whichever is earlier.

(2) For the purpose of this section, any assessment not collected by CBP at the time entry summary documents are filed by the importer is considered to be past due. If CBP does not collect an assessment from an importer, the importer shall be responsible for paying the assessment and any late charges to the Secretary in the form of a negotiable instrument made payable to ''USDA.'' The payment shall be mailed to a location designated by the Secretary or sent in an electronic form approved by the Secretary.

(b) *Penalties.* Any person who willfully violates any provision of this subpart shall be assessed a civil penalty by the Secretary of not more than the amount specified in §3.91(b)(1)(xx) of this title for each such violation and, in the case of a willful failure to pay, collect, or remit the assessment as required by this subpart, in addition to the amount due, a penalty equal to the amount of the assessment on the quantity of milk as to which the failure applies. The amount of any such penalty shall accrue to the United States and may be recovered in a civil suit brought by the United States. The remedies provided in this section shall be in addition to, and not exclusive of,

other remedies that may be available by law or in equity.

[49 FR 11816, Mar. 28, 1984, as amended at 70 FR 29579, May 24, 2005; 76 FR 14791, Mar. 18, 2011]

### § 1150.157 Assessment exemption.

(a) A producer described in §1150.152(a)(1) and (a)(2) who operates under an approved National Organic Program (NOP) (7 CFR part 205) system plan; produces only products that are eligible to be labeled as 100 percent organic under the NOP, except as provided for in paragraph (h) of this section; and is not a split operation shall be exempt from the payment of assessments.

(b) To apply for exemption under this section, a producer pursuant to §1150.152 (a)(1) and (a)(2) shall submit a request for exemption to the Board on a form provided by the Board at any time initially and annually thereafter on or before July 1 as long as the producer continues to be eligible for the exemption.

(c) A producer request for exemption shall include the following: the producer's name and address, a copy of the organic farm or organic handling operation certificate provided by a USDA-accredited certifying agent as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502), a signed certification that the applicant meets all of the requirements specified in paragraph (a) of this section for an assessment exemption, and such other information as may be required by the Board and with the approval of the Secretary.

(d) If a producer described in §1150.152(a)(1) and (a)(2) complies with the requirements of this section, the Board will grant an assessment exemption and issue a Certificate of Exemption to the producer within 30 days. If the application is disapproved, the Board will notify the applicant of the reason(s) for disapproval within the same timeframe.

(e) The producer described in paragraph (c) of this section shall provide a copy of the Certificate of Exemption to each person responsible for remitting assessments to the Board on behalf of the producer pursuant to §1150.152(a).

(f) The person responsible for remitting assessments to the Board pursuant to §1150.152(a) shall maintain records showing the exempt producer's name and address and the exemption number assigned by the Board pursuant to §1150.172(a).

(g) An importer who imports only products that are eligible to be labeled as 100 percent organic under the NOP (7 CFR part 205) and who is not a split operation shall be exempt from the payment of assessments. That importer may submit documentation to the Board and request an exemption from assessment on 100 percent organic dairy products—on a form provided by the Board—at any time initially and annually thereafter as long as the importer continues to be eligible for the exemption. This documentation shall include the same information required of producers in paragraph (c) of this section. If the importer complies with the requirements of this section, the Board will grant the exemption and issue a Certificate of Exemption to the importer. The Board will issue the importer a 9-digit alphanumeric Harmonized Tariff Schedule (HTS) classification valid for 1 year from the date of issue. This HTS classification should be entered by the importer on the Customs entry documentation.

(h) The exemption will apply not later than the last day of the month following the Certificate of Exemption issuance date.

(i) Agricultural commodities produced and marketed under an organic system plan, as described in 7 CFR 205.201, but not sold, labeled, or represented as organic, shall not disqualify a producer from exemption under this section, except that producers who produce both organic and non-organic agricultural commodities as a result of split operations shall not qualify for exemption. Reasons for conventional sales include lack of demand for organic products, isolated use of antibiotics for humane purposes, chemical or pesticide use as the result of State or emergency spray programs, and crops from a buffer area as described in 7 CFR part 205, provided all other criteria are met.

(j) Importers who are exempt from assessment in paragraph (g) of this section shall be eligible for reimbursement of assessments collected by the CBP and may apply to the Secretary for a reimbursement. The importer would be required to submit satisfactory proof to the Secretary that the importer paid the assessment on exempt organic products.

[76 FR 14792, Mar. 18, 2011]

PROMOTION, RESEARCH AND NUTRITION EDUCATION

**§ 1150.161 Promotion, research and nutrition education.**

(a) The Board shall receive and evaluate, or on its own initiative develop, and submit to the Secretary for approval any plans or projects authorized in §§ 1150.139, 1150.140 and this section. Such plans or projects shall provide for:

(1) The establishment, issuance, effectuation, and administration of appropriate plans or projects for promotion, research and nutrition education with respect to milk and dairy products; and

(2) The establishment and conduct of research and studies with respect to the sale, distribution, marketing and utilization of milk and dairy products and the creation of new products thereof, to the end that marketing and utilization of milk and dairy products may be encouraged, expanded, improved or made more acceptable. Included shall be research and studies of proposals intended to increase the use of fluid milk and dairy products by the military and by persons in developing nations and proposals intended to demonstrate the feasibility of converting nonfat dry milk to casein for domestic and export use.

(b) Each plan or project authorized under § 1150.161(a) shall be periodically reviewed or evaluated by the Board to insure that the plan or project contributes to an effective program of promotion, research and nutrition education. If it is found by the Board that any such plan or project does not further the purposes of the Act, the Board shall terminate such plan or project.

(c) No plan or project authorized under § 1150.161(a) shall make use of unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

REPORTS, BOOKS AND RECORDS

**§ 1150.171 Reports.**

(a) Each producer marketing milk of that producer's own production directly to consumers and each person making payment to producers and responsible for the collection of the assessment under § 1150.152(a) shall be required to report at the time for remitting assessments to the Board such information as may be required by the Board or by the Secretary. Such information may include but not be limited to the following:

(1) The quantity of milk purchased, initially transferred or which, in any other manner, are subject to the collection of the assessment;

(2) The amount of assessment remitted;

(3) The basis, if necessary, to show why the remittance is less than the number of hundredweights of milk multiplied by 15 cents; and

(4) The date any assessment was paid.

(b) Importers of dairy products shall submit reports as requested by the Secretary as necessary to verify that provisions pursuant to § 1150.152(b) have been carried out correctly, including verification that correct amounts were paid based upon milk solids content of the imported dairy products pursuant to § 1150.152(b)(1).

[76 FR 14792, Mar. 18, 2011]

**§ 1150.172 Books and records.**

(a) Each producer who is subject to this subpart, and other persons subject to § 1150.171(a), shall maintain and make available for inspection by employees of the Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such records shall be retained for at least two years beyond the fiscal period of their applicability.

(b) Each importer of dairy products shall maintain and make available for inspection by the Secretary such books and records to verify that provisions

pursuant to §1150.152(b) have been carried out correctly, including verification that correct amounts were paid based upon milk solids content of the imported dairy products. Such records shall be retained for at least two years beyond the calendar period of their applicability. Such information may include but not be limited to invoices, packing slips, bills of lading, laboratory test results, and letters from the manufacturer on the manufacturer's letterhead stating the milk solids content of imported dairy products.

[76 FR 14792, Mar. 18, 2011]

### § 1150.173 Confidential treatment.

All information obtained from such books, records or reports under the Act and this subpart shall be kept confidential by all persons, including employees and former employees of the Board, all officers and employees and all former officers and employees of the Department, and by all officers and all employees and all former officers and employees of contracting agencies having access to such information, and shall not be available to Board members. Only those persons having a specific need for such information in order to effectively administer the provisions of this subpart shall have access to such information. In addition, only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the discretion, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section shall be deemed to prohibit:

(a) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected therefrom, which statements do not identify the information furnished by any person; and

(b) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of the subpart violated by such person.

MISCELLANEOUS

### § 1150.181 Proceedings after termination.

(a) Upon the termination of this subpart, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property owned, in the possession of, or under the control of the Board, including unpaid claims or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contract or agreements entered into by it pursuant to §1150.140(i);

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this subpart shall be subject to the same obligation imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent practicable, in the interest of continuing one or more of the promotion, research or nutrition education plans or projects authorized pursuant to this subpart.

### § 1150.182 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued

pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any person, with respect to any such violation.

### § 1150.183 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly, in any way whatsoever to any person for errors in judgment, mistakes, or other acts of either commission or omission of such member or employee, except for acts of dishonesty or willful misconduct.

### § 1150.184 Patents, copyrights, inventions and publications.

Any patents, copyrights, trademarks, inventions or publications developed through the use of funds collected under the provisions of this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the Board. Upon termination of this subpart, § 1150.181 shall apply to determine disposition of all such property.

### § 1150.185 Amendments.

The Secretary may from time to time amend provisions of this part. Any interested person or organization affected by the provisions of the Act may propose such amendments to the Secretary.

### § 1150.186 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

### § 1150.187 Paperwork Reduction Act assigned number.

The information collection and recordkeeping requirements contained in §§ 1150.133, 1150.152, 1150.153, 1150.171, 1150.172, and 1150.273 of these regulations (7 CFR part 1150) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB Control Number 0581–0093 as appropriate.

[76 FR 14793, Mar. 18, 2011]

## Subpart—Procedure for Certification of Milk Producer Organizations

### § 1150.270 General.

Organizations must be certified by the Secretary that they are eligible to represent milk producers and to participate in the making of nominations of milk producers to serve as members of the National Dairy Promotion and Research Board as provided in the Dairy and Tobacco Adjustment Act of 1983. Certifications of eligibility required of the Secretary shall be conducted in accordance with this subpart.

### § 1150.271 Definitions.

As used in this subpart:

(a) *Act* means Title I, Subtitle B, of the Dairy and Tobacco Adjustment Act of 1983, Pub. L. 98–180, 97 Stat. 1128, as approved November 29, 1983, and any amendments thereto;

(b) *Department* means the United States Department of Agriculture;

(c) *Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in the Secretary's stead;

(d) *Dairy Division* means the Dairy Division of the Department's Agricultural Marketing Service;

(e) *Producer* means any person engaged in the production of milk for commercial use;

(f) *Dairy products* means products manufactured for human consumption

which are derived from the processing of milk, and includes fluid milk products; and

(g) *Fluid milk products* means those milk products normally consumed in liquid form as a beverage.

### § 1150.272 Responsibility for administration of regulations.

The Dairy Division shall have the responsibility for administering the provisions of this subpart.

### § 1150.273 Application for certification.

Any organization whose membership consists primarily of milk producers may apply for certification. Applicant organizations should supply information for certification using as a guide ''Application for Certification of Organizations,'' Form DA–26. Form DA–26 may be obtained from the Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, DC 20250.

### § 1150.274 Certification standards.

(a) Certification of eligible organizations shall be based, in addition to other available information, on a factual report submitted by the organization, which shall contain information deemed relevant and specified by the Secretary for the making of such determination, including the following:

(1) Geographic territory covered by the organization's active membership;

(2) Nature and size of the organization's active membership including the total number of active milk producers represented by the organization;

(3) Evidence of stability and permanency of the organization;

(4) Sources from which the organization's operating funds are derived;

(5) Functions of the organization; and

(6) The organization's ability and willingness to further the aims and objectives of the Act.

(b) The primary considerations in determining the eligibility of an organization shall be whether its membership consists primarily of milk producers who produce a substantial volume of milk, and whether the primary or overriding interest of the organization is in the production or processing of fluid milk and dairy products and promotion of the nutritional attributes of fluid milk and dairy products.

(c) The Secretay shall certify any organization which he finds meets the criteria under this section and his determination as to eligibility shall be final.

### § 1150.275 Inspection and investigation.

The Secretary shall have the right, at any time after an application is received from an organization, to examine such books, documents, papers, records, files, and facilities of an organization as he deems necessary to verify the information submitted and to procure such other information as may be required to determine whether the organization is eligible for certification.

### § 1150.276 Review of certification.

Certifications issued pursuant to this subpart are subject to termination or suspension if the organization does not currently meet the certification standards. A certified organization may be requested at any time to supply the Dairy Division with such information as may be required to show that the organization continues to be eligible for certification. Any information submitted to satisfy a request pursuant to this section shall be subject to inspection and investigation as provided in § 1150.275.

### § 1150.277 Listing of certified organizations.

A copy of each certification shall be furnished by the Dairy Division to the respective organization. Copies also shall be filed in the Dairy Division where they will be available for public inspection.

### § 1150.278 Confidential treatment.

All documents and other information submitted by applicant organizations and otherwise obtained by the Department by investigation or examination of books, documents, papers, records, files, or facilities shall be kept confidential by all employees of the Department. Only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in the issuance of

general statements based upon the applications of a number of persons, which do not identify the information furnished by any one person.

## PARTS 1151–1159 [RESERVED]

# PART 1160—FLUID MILK PROMOTION PROGRAM

## Subpart—Fluid Milk Promotion Order

DEFINITIONS

Sec.
1160.101 Act.
1160.102 Department.
1160.103 Secretary.
1160.104 United States.
1160.105 Board.
1160.106 Person.
1160.107 Fluid milk product.
1160.108 Fluid milk processor.
1160.109 Milk.
1160.110 Class I price.
1160.111 Promotion.
1160.112 Research.
1160.113 Fiscal period.
1160.114 Eligible organization.
1160.115 Milk marketing area.
1160.116 [Reserved]
1160.117 Continuation referendum.

NATIONAL FLUID MILK PROCESSOR PROMOTION BOARD

1160.200 Establishment and membership.
1160.201 Term of office.
1160.202 Nominations.
1160.203 Nominee's agreement to serve.
1160.204 Appointment.
1160.205 Vacancies.
1160.206 Procedure.
1160.207 Compensation and reimbursement.
1160.208 Powers of the Board.
1160.209 Duties of the Board.
1160.210 Expenses.
1160.211 Assessments.
1160.212 Influencing governmental action.
1160.213 Adjustment of accounts.
1160.214 Charges and penalties.
1160.215 Assessment exemption.

PROMOTION, CONSUMER EDUCATION AND RESEARCH

1160.301 Promotion, consumer education and research.

REPORTS, BOOKS AND RECORDS

1160.401 Reports.
1160.402 Books and records.
1160.403 Confidential treatment.

MISCELLANEOUS

1160.501 Continuation referenda.
1160.502 Proceedings after suspension or termination.
1160.503 Effect of suspension, termination or amendment.
1160.504 Personal liability.
1160.505 Patents, copyrights, inventions and publications.
1160.506 Amendments.
1160.507 Report.
1160.508 Separability.

## Subpart—Procedure for Conduct of Referenda in Connection with a Fluid Milk Promotion Order

1160.600 General.
1160.601 Definitions.
1160.602 Conduct of referendum.
1160.603 Who may vote.
1160.604 Duties of the referendum agent.
1160.605 Scheduling of referendum.
1160.606 Notice of referendum.
1160.607 Tabulation of ballots.
1160.608 Confidential information.
1160.609 Supplementary instructions.

AUTHORITY: 7 U.S.C. 6401–6417 and 7 U.S.C. 7401.

SOURCE: 58 FR 46763, Sept. 3, 1993, unless otherwise noted.

# Subpart—Fluid Milk Promotion Order

SOURCE: 58 FR 62503, Nov. 29, 1993, unless otherwise noted.

DEFINITIONS

### § 1160.101 Act.

*Act* means the Fluid Milk Promotion Act of 1990, Subtitle H of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990, Public Law 101–624, 7 U.S.C. 6401–6417, and any amendments thereto.

### § 1160.102 Department.

*Department* means the United States Department of Agriculture.

### § 1160.103 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

### § 1160.104 United States.

*United States* means the 48 contiguous states in the continental United States and the District of Columbia, except that United States means the 50 states of the United States of America and the District of Columbia under the following provisions: the petition and review under section 1999K of the Act, enforcement under section 1999L of the Act, and investigations and power to subpoena under section 1999M of the Act.

### § 1160.105 Board.

*Board* means the National Processor Advertising and Promotion Board established pursuant to 7 U.S.C. 6407(b)(1) and this subpart (hereinafter known as the National Fluid Milk Processor Promotion Board or Board).

### § 1160.106 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative or other entity.

### § 1160.107 Fluid milk product.

*Fluid milk product* means any product that meets the definition provided in §1000.15 for milk marketing orders issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601–674.

[67 FR 49858, Aug. 1, 2002]

### § 1160.108 Fluid milk processor.

(a) *Fluid milk processor* means any person who processes and markets commercially fluid milk products in consumer-type packages in the United States (excluding fluid milk products delivered directly to the place of residence of a consumer), except that the term fluid milk processor shall not include in each of the respective fiscal periods those persons who process and market not more than 3,000,000 pounds of such fluid milk products during the representative month, which shall be the first month of the fiscal period.

(b) Any person who did not qualify as a fluid milk processor for a fiscal period because of the 3,000,000-pound limitation shall not later qualify as a fluid milk processor during that fiscal period even though the monthly volume limitation is later exceeded during that period.

(c) Any person who qualified as a fluid milk processor for a fiscal period and whose monthly marketings of fluid milk products later become 3,000,000 pounds or less shall no longer qualify as a fluid milk processor during that fiscal period beginning with the month in which the marketings first dropped below the volume limitation.

(d) For the purpose of determining qualification as a fluid milk processor, each processor of fluid milk products shall report for the representative month of each fiscal period the hundredweight of fluid milk products processed and marketed by the processor.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997; 67 FR 49858, Aug. 1, 2002]

### § 1160.109 Milk.

*Milk* means any class of cow's milk produced in the United States.

### § 1160.110 Class I price.

*Class I price* is the price that is established for Class I milk in each marketing area under milk marketing orders authorized by the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601–674.

### § 1160.111 Promotion.

*Promotion* means the following activities:

(a) *Consumer Education*, which means any program utilizing public relations, advertising or other means devoted to educating consumers about the desirable characteristics of fluid milk products and directed toward increasing the general demand for fluid milk products.

(b) *Advertising*, which means any advertising or promotion program involving only fluid milk products and directed toward educating consumers about the positive attributes of fluid milk and increasing the general demand for fluid milk products.

### § 1160.112 Research.

*Research* means market research to support advertising and promotion efforts, including educational activities,

research directed to product characteristics, and product development, including new products or improved technology in production, manufacturing or processing of milk and the products of milk.

[62 FR 3983, Jan. 28, 1997]

### § 1160.113 Fiscal period.

*Fiscal period* means the initial period of up to 30 months that this subpart is effective. Thereafter, the fiscal period shall be such annual period as the Board may determine, except that the Board may provide for a lesser or greater period as it may find appropriate for the period immediately after the initial fiscal period to assure continuity of fiscal periods until the beginning of the first annual fiscal period.

[62 FR 3983, Jan. 28, 1997]

### § 1160.114 Eligible organization.

*Eligible organization* means an organization eligible to nominate members of the Board and which meets the following criteria:

(a) Is a nonprofit organization pursuant to section 501(c) (3), (5), or (6) of the Internal Revenue Code (26 U.S.C. 501(c) (3), (5), or (6));

(b) Is governed by a board comprised of a majority of fluid milk processors; and

(c) Represents fluid milk processors on a national basis whose members process more than 50 percent of the fluid milk products processed and marketed within the United States.

### § 1160.115 Milk marketing area.

*Milk marketing area* means each area within which milk being marketed is subject to a milk marketing order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, 7 U.S.C. 601–674, or applicable state laws.

### § 1160.116 [Reserved]

### § 1160.117 Continuation referendum.

*Continuation referendum* means that referendum among fluid milk processors that the Secretary shall conduct as provided in § 1160.501.

## NATIONAL FLUID MILK PROCESSOR PROMOTION BOARD

### § 1160.200 Establishment and membership.

(a) There is hereby established a National Fluid Milk Processor Promotion Board of 20 members, 15 of whom shall represent geographic regions and five of whom shall be at-large members of the Board. To the extent practicable, members representing geographic regions shall represent fluid milk processing operations of differing sizes. No fluid milk processor shall be represented on the Board by more than three members. The at-large members shall include at least three fluid milk processors and at least one member from the general public. Except for the non-processor member or members from the general public, nominees appointed to the Board must be active owners or employees of a fluid milk processor. The failure of such a member to own or work for such fluid milk processor shall disqualify that member for membership on the Board except that such member shall continue to serve on the Board for a period not to exceed 6 months following the disqualification or until appointment of a successor Board member to such position, whichever is sooner, provided that such person continues to meet the criteria for serving on the Board as a processor representative. Should a member representing the general public cease to be employed by the entity employing that member when appointed, gain employment with a new employer, or cease to own or operate the business which that member owned or operated at the date of appointment, such member shall be disqualified for membership on the Board, except that such member shall continue to serve on the Board for a period not to exceed 6 months, or until appointment of a successor Board member, whichever is sooner.

(b) In selecting the 15 Board members who represent geographic regions, one member shall be selected from each of the following regions:

Region 1. Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region 2. New York and New Jersey.

Region 3. Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia.
Region 4. Georgia, North Carolina and South Carolina.
Region 5. Florida.
Region 6. Ohio and West Virginia.
Region 7. Michigan, Minnesota, North Dakota, South Dakota and Wisconsin.
Region 8. Illinois and Indiana.
Region 9. Alabama, Kentucky, Louisiana, Mississippi and Tennessee.
Region 10. Texas.
Region 11. Arkansas, Iowa, Kansas, Missouri, Nebraska and Oklahoma.
Region 12. Arizona, Colorado, New Mexico, Nevada, and Utah.
Region 13. Idaho, Montana, Oregon, Washington and Wyoming.
Region 14. Northern California which shall be composed of the Northern California Marketing Area and the South Valley Marketing Area as defined by the Stabilization and Marketing Plan, as amended, issued by the California Department of Food and Agriculture pursuant to the provisions of Chapter 2, Part 3, Division 21, of the California Food and Agriculture Code, effective February 3, 1992.
Region 15. Southern California which shall be composed of the Southern California Marketing Area as defined by the Stabilization and Marketing Plan, as amended, issued by the California Department of Food and Agriculture pursuant to the provisions of Chapter 2, Part 3, Division 21, of the California Food and Agriculture Code, effective February 3, 1992.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997; 63 FR 46639, Sept. 2, 1998; 65 FR 35810, June 6, 2000; 70 FR 14975, Mar. 24, 2005]

### § 1160.201 Term of office.

(a) The members of the Board shall serve for terms of three years, except that the members appointed to the initial Board shall serve proportionately, for terms of one year, two years, and three years, as determined by the Secretary. The terms of all Board members shall expire upon the suspension or termination of the order except as provided in § 1160.502.

(b) No member shall serve more than two consecutive terms, except that any member who is appointed to serve for an initial term of one or two years shall be eligible to be reappointed for two three-year terms. Appointment to another position on the Board is considered a consecutive term. Should a non-board member be appointed to fill a vacancy on the Board with a term of 18 months or less remaining, the appointee shall be entitled to serve two consecutive 3-year terms following the term of the vacant position to which the person was appointed.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997; 63 FR 46639, Sept. 2, 1998]

### § 1160.202 Nominations.

Nominations for members of the Board shall be made in the following manner:

(a) The Secretary shall solicit nominations for the initial Board from individual fluid milk processors and other interested parties, including eligible organizations. Fluid milk processors and other interested parties may submit nominations for positions on the Board for regions in which they are located or market fluid milk, and for at-large members. Eligible organizations may submit a slate of nominees for seats in all regions and for at-large members.

(b) After the appointment of the initial Board, the Secretary shall announce at least 180 days in advance of the expiration of members' terms that such terms are expiring, and shall solicit nominations for such positions in the manner described in paragraph (a) of this section. Nominations for such positions should be submitted to the Secretary not less than 120 days prior to the expiration of members' terms.

### § 1160.203 Nominee's agreement to serve.

Each nominee for Board membership must file with the Secretary at the time of nomination a written agreement to serve on the Board if appointed.

### § 1160.204 Appointment.

From the nominations made pursuant to § 1160.202, the Secretary shall appoint the members of the Board on the basis of representation provided for in §§ 1160.200 and 1160.201.

### § 1160.205 Vacancies.

To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Board, the Secretary shall appoint a successor from the most recent list of

nominations made by individual fluid milk processors and other interested parties, including eligible organizations, for the Board, or from nominations made by the Board.

### § 1160.206 Procedure.

(a) A majority of the members shall constitute a quorum at a properly convened meeting of the Board. Any action of the Board shall require the concurring votes of at least a majority of those present and voting. The Board shall establish rules concerning timely notice of meetings.

(b) The Board may take action upon the concurring votes of a majority of members by mail, telephone, telegraph, or other means of electronic communication when, in the opinion of the chairperson of the Board, such action must be taken before a meeting can be called. Action taken by this emergency procedure is valid only if all members are notified and provided the opportunity to vote and any telephone vote is confirmed promptly in writing. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Board.

### § 1160.207 Compensation and reimbursement.

The members of the Board and trustees, if any, named under § 1160.502, shall serve without compensation but shall be reimbursed for necessary and reasonable expenses incurred by them in the performance of their duties under this subpart.

### § 1160.208 Powers of the Board.

The Board shall have the following powers:

(a) To receive and evaluate, or on its own initiative develop, and budget for plans or projects to educate consumers and promote the use of fluid milk products and to make recommendations to the Secretary regarding such proposals;

(b) To administer the provisions of this subpart in accordance with its terms and provisions;

(c) To make rules and regulations to effectuate the terms and provisions of this subpart;

(d) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this subpart;

(e) To employ such persons as the Board deems necessary and determine the duties and compensation of such persons;

(f) To contract with eligible organizations or other persons to conduct activities authorized pursuant to this subpart;

(g) To select committees and subcommittees, to adopt bylaws, and to adopt such rules for the conduct of its business as it may deem advisable; the Board may establish working committees of persons other than Board members;

(h) To recommend to the Secretary amendments to this subpart; and

(i) With the approval of the Secretary, to invest, pending disbursement pursuant to a plan or project, funds collected through assessments authorized under § 1160.211 in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

[58 FR 62503, Nov. 29, 1993, as amended at 63 FR 46639, Sept. 2, 1998]

### § 1160.209 Duties of the Board.

The Board shall have the following duties:

(a) To meet not less than annually, and to organize and select from among its members a chairperson, who may serve for a term of a fiscal period pursuant to § 1160.113, and not more than two consecutive terms, and to select such other officers as may be necessary;

(b) To prepare and submit to the Secretary for approval a budget for each fiscal period of the anticipated expenses and disbursements in the administration of this subpart, including a description of and the probable costs of consumer education, promotion and research projects;

(c) To develop and submit to the Secretary for approval promotion and consumer education, and research plans or projects;

(d) To the extent practicable, carry out consumer education and promotion programs under §1160.301 in such a manner as to ensure that advertising coverage in each of the regions defined in §1160.200 is proportionate to funds collected from each such region;

(e) To disseminate information to fluid milk processors or eligible organizations;

(f) To maintain minutes, books and records that accurately reflect all of the acts and transactions of the Board, which shall be available to the Secretary for inspection and audit, and prepare and promptly report minutes of each Board meeting to the Secretary and submit such reports from time to time to the Secretary as the Secretary may prescribe, and to account with respect to the receipt and disbursement of all funds entrusted to it;

(g) To enter into contracts or agreements, with the approval of the Secretary, with such persons and organizations as the Board may approve for the development and conduct of activities authorized under this subpart and for the payment of the cost thereof with funds collected through assessments pursuant to §1160.211 and income from such assessments. Any such contract or agreement shall provide that:

(1) The contractors shall develop and submit to the Board a plan or project together with a budget(s) showing the estimated cost of such plan or project;

(2) Any such plan or project shall be adopted upon approval of the Secretary; and

(3) The contracting party shall keep accurate records of all of its transactions and make periodic reports to the Board of all activities conducted pursuant to the contract or agreement, and provide accounts of all funds received and expended, and such other reports as the Secretary or the Board may require. The Secretary or employees of the Board periodically may audit the records of the contracting parties;

(h) For the initial fiscal period, the Board shall contract, to the extent practicable and subject to the approval of the Secretary, with an eligible organization to carry out the provisions of this subpart;

(i) To prepare and make public, at least annually, a report of its activities and an accounting for funds received and expended;

(j) To have an audit of its financial statements conducted by a certified public accountant in accordance with generally accepted auditing standards, at the end of the first 15 months of the initial fiscal period, at the end of the initial fiscal period, and at least once each fiscal period thereafter as well as at such other times as the Secretary may request, and to submit a copy of each such audit report to the Secretary;

(k) To give the Secretary the same notice of meetings of the Board and committees of the Board, including actions conducted under §1160.206(b), as is given to such Board or committee members in order that the Secretary, or a representative of the Secretary, may attend such meetings;

(l) To submit to the Secretary such information pursuant to this subpart as may be requested;

(m) The Board shall take reasonable steps to coordinate the collection of assessments, and promotion, education, and research activities of the Board, with the National Dairy Promotion and Research Board established under section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)); and

(n) The Board shall conduct advertising using third parties only through contracts which shall prohibit the third party from selling, offering for sale, or otherwise making available advertising time or space to private industry members conducting brand-name advertising which immediately precedes, follows, appears in juxtaposition, or appears in the midst of Board-sponsored advertising.

[58 FR 62503, Nov. 29, 1993, as amended at 61 FR 27003, May 30, 1996; 62 FR 3983, Jan. 28, 1997]

### §1160.210 Expenses.

(a) The Board is authorized to incur such expenses (including provision for a reasonable reserve) as the Secretary

finds are reasonable and likely to be incurred by the Board for its administration, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart; except that, after the Board's first year, it shall not spend on its administration more than 5 percent of the assessments collected during any fiscal period subsequent to the initial fiscal period. Such administrative expenses shall be paid from assessments collected pursuant to § 1160.211.

(b) The Board shall reimburse the Secretary for administrative costs incurred by the Department from assessments collected pursuant to § 1160.211.

(c) Within 30 days after funds are remitted from Regions 14 and 15, the Board shall provide a grant of 80% of such funds to the entity authorized by the laws of the State of California to conduct an advertising program for fluid milk products in that State for the purpose of implementing a coordinated advertising program in the markets within those regions. Such grant shall be provided with the approval of the Secretary on the following conditions:

(1) The granted funds shall be utilized to implement a fluid milk promotion campaign within the markets within those regions. Verification of the implementation of this program shall be provided to the Board.

(2) The Board shall ensure that the recipients of these funds implement a research and evaluation program to determine the effect of such program on consumption of fluid milk within the region.

(3) The recipient of these funds must provide to the Board data from the research and evaluation programs so that the Board can determine the effect of the program on consumption of fluid milk.

### § 1160.211 Assessments.

(a)(1) Each fluid milk processor shall pay to the Board or its designated agent an assessment of $.20 per hundredweight of fluid milk products processed and marketed commercially in consumer-type packages in the United States by such fluid milk processor. Any fluid milk processor who markets milk of its own production directly to consumers as prescribed under section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)), and not exempt under § 1160.108 or § 1160.215, shall also pay the assessment under this subpart. The Secretary shall have the authority to receive assessments on behalf of the Board.

(2) The Secretary shall announce the establishment of the assessment each month in the Class I price announcement in each milk marketing area by adding it to the Class I price for the following month. In the event the assessment is suspended for a given month, the Secretary shall inform all fluid milk processors of the suspension in the Class I price announcement for that month. The Secretary shall also inform fluid milk processors marketing fluid milk in areas not subject to milk marketing orders administered by the Secretary of the establishment or suspension of the assessment.

(3) Each processor responsible for remitting an assessment shall remit it to the Board not later than the last day of the month following the month that the assessed milk was marketed.

(b) Such assessments shall not:

(1) Reduce the prices paid under the Federal milk marketing orders issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937;

(2) Otherwise be deducted from the amounts that handlers must pay to producers for fluid milk products sold to a processor; or

(3) Otherwise be deducted from the price of milk paid to a producer by a handler, as determined by the Secretary.

(c) Money remitted to the Board or the Board's designated agent shall be in the form of a negotiable instrument made payable to the Board or its agent, as the case may be. Processors must mail remittances and reports specified in §§ 1160.108, 1160.211(a)(1), 1160.213, 1160.214, and 1160.401 to the location designated by the Board or its agent.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997; 70 FR 2753, Jan. 14, 2005]

### § 1160.212 Influencing governmental action.

No funds collected by the Board under this subpart shall in any manner be used for the purpose of influencing governmental policy or action, except to recommend to the Secretary amendments to this subpart.

### § 1160.213 Adjustment of accounts.

Whenever the Board or the Secretary determines through an audit of a processor's reports, records, books or accounts or through some other means that additional money is due the Board or to such processor from the Board, the Board shall notify that person of the amount due or overpaid. If the processor owes money to the Board, it shall remit that amount by the next date for remitting assessments as provided in §1160.211. For the first two erroneous reports submitted by a processor in the preceding 12-month period, late-payment charges assessed pursuant to §1160.214 shall not begin to accrue until the day following such date. For all additional erroneous reports submitted by a processor during the 12-month period, late-payment charges shall accrue from the date the payment was due. If the processor has overpaid, that amount shall be credited to its account and applied against amounts due in succeeding months.

[73 FR 29390, May 21, 2008]

### § 1160.214 Charges and penalties.

(a) Late-payment charge. Any unpaid assessments shall be increased 1.5 percent each month beginning with the day following the date such assessments were due. Any remaining amount due, which shall include any unpaid charges previously made pursuant to this section, shall be increased at the same rate on the corresponding day of each month thereafter until paid. For the purpose of this section, any assessment determined at a date later than prescribed by this subpart because of the failure of a processor to submit a report to the Board 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. The receipt of a payment by the Board will be based on the earlier of the postmark date or the actual date of receipt.

(b) Penalties. The Secretary may assess any person who violates any provision of this subpart a civil penalty of not less than nor more than the minimum and maximum amounts specified in §3.91(b)(1)(xxxv) of this title for each such violation. In the case of a willful failure to pay an assessment as required by this subpart, in addition to the amount due, the Secretary may assess an additional penalty of not less than nor more than the minimum and maximum amounts specified in §3.91(b)(1)(xxxv) of this title for each such violation. The amount of any such penalty shall accrue to the United States, which may recover such amount in a civil suit. The remedies provided in this section are in addition to, and not exclusive of, other remedies that may be available by law or in equity.

[58 FR 62503, Nov. 29, 1993, as amended at 70 FR 29579, May 24, 2005]

### § 1160.215 Assessment exemption.

(a) No assessment shall be required on fluid milk products exported from the United States.

(b) A fluid milk processor described in §1160.211(a) who operates under an approved National Organic Program (NOP) (7 CFR part 205) system plan; processes only products that are eligible to be labeled as 100 percent organic under the NOP; and is not a split operation shall be exempt from the payment of assessments.

(c) To apply for an assessment exemption, a fluid milk processor described in §1160.211(a) shall submit a request for exemption to the Board on a form provided by the Board at any time initially and annually thereafter on or before July 1 as long as the fluid milk processor continues to be eligible for the assessment exemption.

(d) The request shall include the following: The fluid milk processor's name and address, a copy of the organic farm or organic handling operation certificate provided by a USDA-accredited certifying agent as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502), a signed certification that the applicant meets all of the requirements specified

in paragraph (b) of this section for an assessment exemption, and such other information as may be required by the Board and with the approval of the Secretary.

(e) The Board will grant an assessment exemption to any fluid milk processor meeting the criteria in §1160.215(b) and issue a Certificate of Exemption to the fluid milk processor. For exemption requests received on or before August 15, 2005, the Board will have 60 days to approve the exemption request; after August 15, 2005, the Board will have 30 days to approve the exemption request. If the application is disapproved, the Board will notify the applicant of the reason(s) for disapproval within the same timeframe.

(f) The exemption will apply not later than the last day of the month following the Certificate of Exemption issuance date.

[70 FR 2754, Jan. 14, 2005]

PROMOTION, CONSUMER EDUCATION AND RESEARCH

### §1160.301 Promotion, consumer education and research.

(a) The Board shall receive and evaluate, or on its own initiative develop, and submit to the Secretary for approval any plans or projects authorized in §§1160.208 and 1160.209. Such plans or projects shall provide for:

(1) The establishment, issuance, effectuation, and administration of consumer education, promotion and research activities with respect to fluid milk products; and

(2) The evaluation of consumer education, promotion and research activities implemented under the direction of the Board, and the communication of such evaluation to fluid milk processors and the public.

(b) The Board shall periodically review or evaluate each plan or project authorized under §1160.301(a) to ensure that it contributes to an effective program of promotion, consumer education and research. If the Board finds that any such plan or project does not further the purposes of the Act, the Board shall terminate that plan or project.

(c) No plan or project authorized under §1160.301(a) may employ unfair or deceptive acts or practices with respect to the quality, value or use of any competing product.

(d) No plan or project authorized under §1160.301(a) may make use of a brand or trade name of a fluid milk product, except that this paragraph does not preclude the Board from offering program material to commercial parties to use under such terms and conditions as the Board may prescribe, subject to approval by the Secretary.

REPORTS, BOOKS AND RECORDS

### §1160.401 Reports.

Each fluid milk processor marketing milk and paying an assessment under §1160.211 shall be required to report upon the remittance of such assessments such information as the Board or the Secretary may require. Such information shall include but not be limited to the following:

(a) The quantity of fluid milk products marketed that is subject to the collection of the assessment;

(b) The amount of assessment remitted;

(c) The reason, if necessary, why the remittance is less than the number of hundredweights of milk multiplied by 20 cents; and

(d) The date any assessment was paid.

### §1160.402 Books and records.

Each person subject to this subpart shall maintain and make available for inspection by agents of the Board and the Secretary such books and records as are necessary to carry out the provisions of this subpart and the regulations issued hereunder, including such records as are necessary to verify any reports required. Such books and records shall be retained for at least two years beyond the fiscal period of their applicability.

### §1160.403 Confidential treatment.

(a) All persons, including agents and former agents of the Board, all officers and employees and all former officers and employees of the Department, and all officers and all employees and all former officers and employees of contracting agencies having access to commercial or financial information

obtained from such books, records or reports under the Act and this subpart shall keep such information confidential, and not make it available to Board members. Only those persons, as determined by the Secretary, who have a specific need for such information in order to effectively administer the provisions of this subpart shall have access to such information. In addition, they shall disclose only that information the Secretary deems relevant, and then only in a suit or administrative hearing brought at the discretion, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this section, however, shall be deemed to prohibit:

(1) The issuance of general statements based upon the reports of the number of processors, individuals, groups of individuals, partnerships, corporations, associations, cooperatives, or other entities subject to this subpart or statistical data collected from such sources, which statements do not identify the information furnished by any such parties, and

(2) The publication, at the direction of the Secretary, of the name of any processor, individuals, group of individuals, partnership, corporation, association, cooperative, or other entity that has been adjudged to have violated this subpart, together with a statement of the particular provisions of the subpart so violated.

(b) Except as otherwise provided in this subpart, information obtained under this subpart may be made available to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the particular information desired and the law enforcement activity for which the information is sought.

(c) Any person violating this section, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, and if such person is an agent of the Board or an officer or employee of the Department shall be removed from office.

(d) Nothing in this subsection authorizes the Secretary to withhold information from a duly authorized committee or subcommittee of Congress.

MISCELLANEOUS

### § 1160.501 Continuation referenda.

(a) The Secretary at any time may conduct a referendum among those persons who the Secretary determines were fluid milk processors during a representative period, as determined by the Secretary, on whether to suspend or terminate the order. The Secretary shall hold such a referendum at the request of the Board or of any group of such processors that marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed in the United States by fluid milk processors voting in the preceding referendum.

(b) Any suspension or termination of the order on the basis of a referendum conducted pursuant to this section must be favored:

(1) By at least 50 percent of the fluid milk processors voting in the referendum; and

(2) By fluid milk processors voting in the referendum that marketed during a representative period, as determined by the Secretary, 40 percent or more of the volume of fluid milk products marketed in the United States by fluid milk processors voting in the referendum.

(c) If the Secretary determines that the suspension or termination of the order is favored in the manner set forth in §1160.501(b), the Secretary shall take such action within 6 months of such determination.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997]

### § 1160.502 Proceedings after suspension or termination.

(a) Upon the suspension or termination of this subpart, the Board shall recommend to the Secretary not more than five of its members to serve as trustees for the purpose of liquidating the affairs of the Board. Once the Secretary has designated such members as trustees, they shall become trustees of all the funds and property that the

Board owns, possesses, or controls, including unpaid and undelivered property or any other unpaid claim existing at the time of such termination. The actions of such trustees shall be subject to approval by the Secretary.

(b) The said trustees shall:

(1) Serve as trustees until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contract or agreements that it entered pursuant to §§ 1160.208 and 1160.209;

(3) Account for all receipts and disbursements and deliver to any person designated by the Secretary all property on hand, together with all books and records of the Board and the trustees; and

(4) At the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in the Secretary's designee full title and right to all of the funds, property, and claims of the Board or the trustees.

(c) The Secretary's designee shall be subject to the same obligations with respect to funds, property or claims transferred or delivered pursuant to this subpart as the Board and the trustees.

(d) The Board, the trustees or the Secretary's designee shall deliver to the Secretary any residual funds not required to pay liquidation expenses, which funds may be used, to the extent practicable, to continue one or more of the promotion, research or nutrition education plans or projects authorized pursuant to this subpart.

### § 1160.503 Effect of suspension, termination or amendment.

Unless otherwise expressly provided by the Secretary, the suspension or termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability of the Board or its trustees which shall have arisen or which may hereafter arise in connection with any provision of this subpart or any regulation issued thereunder;

(b) Release or extinguish any violation of this subpart or any regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, the Secretary, or any person, with respect to any such violation.

### § 1160.504 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly, in any way whatsoever to any person for errors in judgment, mistakes, or other acts of either commission or omission by such member or employee, except for acts of dishonesty or willful misconduct.

### § 1160.505 Patents, copyrights, inventions and publications.

(a) Any patents, copyrights, trademarks, inventions or publications developed through the use of funds collected under the provisions of this subpart are the property of the United States Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, or publications, inure to the benefit of the Board. Section 1160.502 governs the disposition of all such property upon suspension or termination of this subpart.

(b) Should patents, copyrights, inventions, and publications be developed through the use of funds collected by the Board under this subpart, and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, inventions, and publications shall be determined by the agreement between the Board and the party contributing funds towards the development of such patent, copyright, invention, and publication in a manner consistent with paragraph (a) of this section.

[58 FR 62503, Nov. 29, 1993, as amended at 63 FR 46639, Sept. 2, 1998]

### § 1160.506 Amendments.

The Secretary may from time to time amend provisions of this subpart. Any interested person or organization affected by the provisions of the Act may propose amendments to the Secretary.

### § 1160.507 Report.

The Secretary shall provide annually for an independent evaluation of the effectiveness of the fluid milk promotion program carried out under this subtitle during the previous fiscal year, in conjunction with the evaluation of the National Dairy Promotion and Research Board established under section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)).

### § 1160.508 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or any circumstances is held invalid, such declaration or holding shall not offset the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances.

## Subpart—Procedure for Conduct of Referenda in Connection with a Fluid Milk Promotion Order

### § 1160.600 General.

Referenda to determine whether eligible fluid milk processors favor the issuance, continuance, termination or suspension of a Fluid Milk Promotion Order authorized by the Fluid Milk Promotion Act of 1990 shall be conducted in accordance with this subpart.

### § 1160.601 Definitions.

As used in this subpart:

(a) *Act* means the Fluid Milk Promotion Act of 1990 (Subtitle H of Title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624, 7 U.S.C. 6401–6417) and any amendments thereto.

(b) *Department* means the United States Department of Agriculture.

(c) *Secretary* means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

(d) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(e) *Order* means a Fluid Milk Promotion Order, and any amendments thereto, authorized by the Act.

(f) *Board* means the National Fluid Milk Processor Promotion Board established pursuant to the Act.

(g) *Assessment* means the monies that are collected and remitted to the Board pursuant to the Act.

(h) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative association or other entity.

(i) *Fluid milk processor* means any person who is defined as a fluid milk processor under the order, or under the proposed order on which the initial referendum is held.

(j) *Referendum agent* means the person designated by the Secretary to conduct the referendum.

(k) *Representative period* means the period designated by the Secretary pursuant to Sections 1999N and 1999O of the Act.

### § 1160.602 Conduct of referendum.

(a) The referendum shall be conducted by mail in the manner prescribed in this subpart. The referendum agent may utilize such personnel or agencies of the Department as are deemed necessary by the Administrator. There shall be no voting except within the time specified by the referendum agent.

(b) The referendum agent shall mail to each fluid milk processor that has properly registered to participate in the referendum:

(1) A ballot containing a description of the question(s) upon which the referendum is being held;

(2) Instructions for completing the ballot; and

(3) A statement as to the time within which the ballot must be mailed to the referendum agent.

### § 1160.603 Who may vote.

(a) Each person who was a fluid milk processor during the representative period, as determined by the Secretary, and who at the time of voter registration and when voting is processing and marketing commercially fluid milk products in consumer-type packages in

the United States shall be entitled to vote in a referendum, and no such person shall be refused a ballot. Any person casting more than one ballot with conflicting votes shall thereby invalidate all ballots cast by such person in such referendum. Each person voting shall have registered with the referendum agent prior to the voting period. Each ballot cast shall contain a certification by the person casting the ballot that such person is qualified to vote. All information required on the ballot pertinent to the identification of the person voting must be supplied and certified to as being correct in order for the ballot to be valid.

(b) Voting by proxy or agent will not be permitted. However, the ballot of a fluid milk processor who is other than an individual may be cast by a person who is duly authorized to do so, and such ballot shall contain a certification by such person that the entity on whose behalf the ballot is cast was a fluid milk processor during the representative period. All information required on the ballot pertinent to the identification of the fluid milk processor on whose behalf the ballot is cast must be supplied and certified to as being correct in order for the ballot to be valid.

### § 1160.604 Duties of the referendum agent.

The referendum agent, in addition to any other duties imposed by this subpart, shall:

(a) For the purpose of adjusting the rate of assessment, determine and publicly announce prior to the voting period the total volume of fluid milk products marketed by all processors of fluid milk in the United States during the representative period and the portion of such volume that must be represented by those fluid milk processors voting in favor of the question included on the ballot if the referendum question is to pass.

(b)(1) Within 12 days after the deadline for registering to vote in the referendum, the referendum agent shall make available upon request a list of those fluid milk processors that properly registered. Any challenge of a processor's eligibility to vote must be received by the referendum agent within 17 days of the deadline for voter registration.

(2) If the voting eligibility of any fluid milk processor is challenged within the timeframe specified in §1160.604(b)(1), the referendum agent shall review the challenge and make a final determination regarding the processor's eligibility to vote.

(3) Prior to the time of mailing ballots to fluid milk processors, the referendum agent shall prepare a final list of eligible voters and make such list available upon request.

(c) Verify the eligibility of all persons voting in the referendum by reviewing all ballots cast to assure that each ballot:

(1) Was mailed within the prescribed time;

(2) Contains all certifications required attesting to the eligibility of the person to vote, and that the person voting filed with the referendum agent prior to the voting period the advance registration required pursuant to §1160.606(a)(1); and

(3) Was completed with respect to all necessary information pertinent to the identification of the person voting so that additional verification can be conducted by the referendum agent to substantiate the eligibility of each such person to vote.

(d) Conduct further verification, as necessary, to determine the eligibility of each person to vote. Such verification may be completed by reviewing readily available sources of information, including the following:

(1) Records of the Department;

(2) Fluid milk processors' records; and

(3) Any other reliable sources of information which may be available to the referendum agent.

(e) Further verify ballots to avoid a duplication of votes. The following criteria shall serve as a guide:

(1) Each fluid milk processor that is other than an individual shall be regarded as one person for voting purposes;

(2) No more than one vote may be cast on behalf of any one fluid milk processor; and

(3) In the event that more than one individual claim the right to vote and cast a ballot for a fluid milk processor,

concurring votes of such individuals shall be treated as one vote while any conflicting votes shall thereby invalidate all ballots cast by such individuals.

[58 FR 62503, Nov. 29, 1993, as amended at 62 FR 3983, Jan. 28, 1997]

### § 1160.605 Scheduling of referendum.

A referendum shall be held:

(a) Whenever prescribed by the order;

(b) For the purpose of adjusting the rate of assessment:

(1) At the direction of the Secretary; or

(2) Upon request of the Board or upon request of any group of fluid milk processors that marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by all processors of fluid milk in the United States during that period; or

(c) For the purpose of suspending or terminating the order:

(1) At the direction of the Secretary; or

(2) Upon request of the Board or upon request of any group of fluid milk processors that marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the preceding referendum.

[62 FR 3984, Jan. 28, 1997]

### § 1160.606 Notice of referendum.

The referendum agent shall provide at least 30 days' notice of any referendum authorized by the Act by:

(a) Mailing to each known person processing fluid milk products a notice of referendum, which shall include:

(1) An advance registration form to be filed with the referendum agent prior to the voting period by any person choosing to vote in the referendum, with a statement as to the time within which the registration form must be mailed to the referendum agent;

(2) A copy of the final rule, when applicable;

(3) A sample ballot containing a description of the question(s) upon which the referendum is being held; and

(4) Rules for participating in the referendum, including a statement as to the time within which the ballot must be mailed to the referendum agent; and

(b) Giving public notice of the referendum:

(1) By furnishing press releases and other information to available media of public information (including but not limited to press, radio, and television facilities) announcing the time within which ballots must be completed and mailed to the referendum agent, eligibility requirements, required certifications to cast a valid ballot, where additional information, ballots and instructions may be obtained, and other pertinent information; and

(2) By such other means as the referendum agent may deem advisable.

### § 1160.607 Tabulation of ballots.

(a) The referendum agent shall verify the validity of all ballots cast in accordance with the instructions and requirements specified in §§ 1160.602 through 1160.606. Ballots that are not valid shall be marked ''disqualified'' with a notation on the ballot as to the reason for the disqualification.

(b) The total number of ballots cast, including the disqualified ballots, shall be ascertained. The number of ballots cast approving, the number of ballots cast disapproving, and the pounds of fluid milk products distributed during the representative period by the processors represented in each grouping of ballots, shall also be ascertained. The ballots marked ''disqualified'' shall not be considered as approving or disapproving, and the persons who cast such ballots shall not be regarded as participating in the referendum.

(c) The referendum agent shall notify the Administrator of the number of ballots cast, the count of the votes, the number of disqualified ballots, and the volume of fluid milk products associated with the ballots cast as prescribed in § 1160.607(b). The referendum agent shall seal the ballots and transmit to the Administrator a complete detailed report of all actions taken in connection with the referendum and all other information furnished to or compiled by the referendum agent.

(d) Announcement of the results of the referendum will be made only at the direction of the Secretary. The referendum agent or others who assist in the referendum shall not disclose the results of the referendum or the total number of ballots and votes cast.

### § 1160.608 Confidential information.

The ballots cast, the identity of any person who voted, or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent, except the list of eligible voters, shall be regarded as confidential.

### § 1160.609 Supplementary instructions.

The Administrator is authorized to issue instructions and to prescribe forms and ballots, not inconsistent with the provisions of this subpart, to govern the conduct of referenda by referendum agents.

## PARTS 1161–1169 [RESERVED]

## PART 1170—DAIRY PRODUCT MANDATORY REPORTING

Sec.

1170.1 Secretary.
1170.2 Act.
1170.3 Person.
1170.4 Dairy products.
1170.5 Manufacturer.
1170.6 Store.

DAIRY PRODUCT REPORTING PROGRAMS

1170.7 Reporting requirements.
1170.8 Price reporting specifications.
1170.9 Price reporting exemptions.
1170.10 Storage reporting specifications.
1170.11 Records.
1170.12 Confidential information.

VERIFICATION AND ENFORCEMENT

1170.13 Verification of reports.
1170.14 Noncompliance procedures.
1170.15 Appeals.
1170.16 Enforcement.

AUTHORITY: 7 U.S.C. 1637–1637b, as amended by Pub. L. 106–532, 114 Stat. 2541 and Pub. L. 107–171, 116 Stat. 207.

SOURCE: 73 FR 34181, June 17, 2008, unless otherwise noted.

### § 1170.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of USDA to whom authority has been delegated.

### § 1170.2 Act.

*Act* means the Agricultural Marketing Act of 1946, 7 U.S.C. 1621 *et seq.*, as amended by the Dairy Market Enhancement Act of 2000, Public Law 106–532, 114 Stat. 2541, and the Farm Security and Rural Investment Act of 2002, Public Law 107–171, 116 Stat. 207.

### § 1170.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

### § 1170.4 Dairy products.

*Dairy Products* means:

(a) Manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(b) Substantially identical products designated by the Secretary in this part.

### § 1170.5 Manufacturer.

*Manufacturer* means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products in one or more locations.

### § 1170.6 Store.

(a) *Store* means to place cheese or butter in a warehouse or facility which is artificially cooled to a temperature of 50 degrees Fahrenheit or lower and hold these dairy products for 30 days or more; or

(b) *Store* means to place nonfat dry milk or dry whey in a manufacturing plant, packaging plant, distribution point, or shipment in transit.

DAIRY PRODUCT REPORTING PROGRAMS

### § 1170.7 Reporting requirements.

(a) All dairy product manufacturers, with the exception of those who are exempt as described in § 1170.9, shall submit a report to National Agricultural Statistics Service (NASS) by noon on

Wednesday of all products sold as specified in §1170.8 during the seven days ending with the previous Saturday. If a Federal holiday falls on a Tuesday or Wednesday, NASS will contact manufacturers via e-mail or phone concerning the applicable report deadline. The report is to be submitted on the appropriate forms supplied by NASS and shall indicate the name, address, plant location(s), quantities sold, total sales dollars or dollars per pound for the applicable products, and the moisture content where applicable. Each sale shall be reported for the time period when the transaction is completed, i.e. the product is ''shipped out'' and title transfer occurs. Each sale shall be reported either f.o.b. plant if the product is ''shipped out'' from the plant or f.o.b. storage facility location if the product is ''shipped out'' from a storage facility. In calculating the total dollars received or dollars per pound, the reporting entity shall neither add transportation charges incurred at the time the product is ''shipped out'' or after the product is ''shipped out'' nor deduct transportation charges incurred before the product is ''shipped out.'' In calculating the total dollars received or dollars per pound, the reporting entity shall not deduct brokerage fees or clearing charges paid by the manufacturer.

(b) Manufacturers or other persons storing dairy products are required to report, on a monthly basis, stocks of dairy products (as defined in §1170.4) on hand, on the appropriate forms supplied by the NASS. The report shall indicate the name, address, and stocks on hand at the end of the month for each storage location.

### §1170.8 Price reporting specifications.

The following are the reporting specifications for each dairy product:

(a) Specifications for Cheddar Cheese Prices:

(1) Variety: Cheddar cheese.

(2) Style: 40-pound blocks or 500-pound barrels.

(3) Moisture Content:

(i) 40-pound blocks: Moisture content is not reported. Exclude cheese that will be aged.

(ii) 500-pound barrels: Report weighted average moisture content of cheese sold. NASS will adjust price to a benchmark of 38.0 percent based on standard moisture adjustment formulas. Exclude cheese with moisture content exceeding 37.7 percent.

(4) Age: Not less than 4 days or more than 30 days on date of sale.

(5) Grade:

(i) 40-pound blocks: Product meets Wisconsin State Brand or USDA Grade A or better standards.

(ii) 500-pound barrels: Product meets Wisconsin State Brand or USDA Extra Grade or better standards.

(6) Color:

(i) 40-pound blocks: colored and within the color range of 6–8 on the National Cheese Institute color chart.

(ii) 500-pound barrels: white.

(7) Packaging:

(i) 40-pound blocks: Price should reflect cheese wrapped in a sealed, airtight package in corrugated or solid fiberboard containers with a reinforcing inner liner or sleeve. Exclude all other packaging costs from the reported price.

(ii) 500-pound barrels: Exclude all packaging costs from the reported price.

(8) Exclude: Intra-company sales, resales of purchased cheese, forward pricing sales (sales in which the selling price was set [not adjusted] 30 or more days before the transaction was completed), cheese produced under faith-based close supervision and marketed at a higher price than the manufacturer's wholesale market price for the basic commodity (for example, kosher cheese produced with a rabbi on site who is actively involved in supervision of the production process), sales under the Dairy Export Incentive Program or other premium-assisted sales (for example, export assistance sales through the Cooperatives Working Together program), and cheese certified as organic by a USDA-accredited certifying agent.

(b) Specifications for Butter Prices:

(1) Variety: 80 percent butterfat, salted, fresh or storage.

(2) Grade: Product meets USDA Grade AA standards.

(3) Packaging: 25-kilogram and 68-pound box sales.

(4) Exclude: Unsalted and Grade A butter, intra-company sales, resales of purchased butter, forward pricing sales (sales in which the selling price was set [not adjusted] 30 or more days before the transaction was completed), butter produced under faith-based close supervision and marketed at a higher price than the manufacturer's wholesale market price for the basic commodity (for example, kosher butter produced with a rabbi on site who is actively involved in supervision of the production process), sales under the Dairy Export Incentive Program or other premium-assisted sales (for example, export assistance sales through the CWT program), and butter certified as organic by a USDA-accredited certifying agent.

(c) Specifications for Dry Whey Prices:

(1) Variety: Edible nonhygroscopic.

(2) Age: No more than 180 days.

(3) Grade: Product meets USDA Extra Grade standards.

(4) Packaging or container: 25-kilogram bag, 50-pound bag, tote, or tanker.

(5) Exclude: Sales of Grade A dry whey, intra-company sales, resales of purchased dry whey, forward pricing sales (sales in which the selling price was set [not adjusted] 30 or more days before the transaction was completed), dry whey produced under faith-based close supervision and marketed at a higher price than the manufacturer's wholesale market price for the basic commodity (for example, kosher dry whey produced with a rabbi on site who is actively involved in supervision of the production process), premium-assisted sales, and dry whey certified as organic by a USDA-accredited certifying agent.

(d) Specifications for the Nonfat Dry Milk Prices:

(1) Variety: Non-fortified.

(2) Age: No more than 180 days.

(3) Grade: Product meets USDA Extra Grade or USPH[2] Grade A standards.

(4) Packaging or container: 25-kilogram bag, 50-pound bag, tote, or tanker.

(5) Exclude: Nonfat dry milk manufactured using high heat process, sales of instant nonfat dry milk, sales of dry buttermilk products, intra-company sales, resales of purchased nonfat dry milk, forward pricing sales (sales in which the selling price was set [not adjusted] 30 or more days before the transaction was completed), nonfat dry milk produced under faith-based close supervision and marketed at a higher price than the manufacturer's wholesale market price for the basic commodity (for example, kosher nonfat dry milk produced with a rabbi on site who is actively involved in supervision of the production process), sales under the Dairy Export Incentive Program or other premium-assisted sales, and nonfat dry milk certified as organic by a USDA-accredited certifying agent.

### § 1170.9 Price reporting exemptions.

(a) Any manufacturer that processes and markets less than 1 million pounds of cheddar cheese per calendar year is exempt from reporting cheddar cheese sales as specified in § 1170.8(a).

(b) Any manufacturer that processes and markets less than 1 million pounds of butter per calendar year is exempt from reporting butter sales as specified in § 1170.8(b).

(c) Any manufacturer that processes and markets less than 1 million pounds of dry whey per calendar year is exempt from reporting dry whey sales as specified in § 1170.8(c).

(d) Any manufacturer that processes and markets less than 1 million pounds of nonfat dry milk per calendar year is exempt from reporting nonfat dry milk sales as specified in § 1170.8(d).

### § 1170.10 Storage reporting specifications.

(a) Cold Storage Report:

(1) Reporting universe: All warehouses or facilities, artificially cooled to a temperature of 50 degrees Fahrenheit or lower, where dairy products generally are placed and held for 30 days or more. Excluded are stocks in refrigerated space maintained by wholesalers, jobbers, distributors, and chain stores; locker plants containing individual lockers; and frozen food processors whose inventories are turned over more than once a month.

[2] USPH refers to the US Department of Health and Human Services—Public Health Service/Food and Drug Administration.

(2) Products required to be reported:
(i) Natural cheese, domestic and foreign made, including barrel and cheese to be processed; American type cheeses, (cheddar, Monterey, Colby, etc.), including government owned stocks; Swiss; other natural cheese types (brick, mozzarella, Muenster, Parmesan, etc.). Exclude processed cheese.
(ii) Salted and unsalted butter, anhydrous milkfat (AMF), butter oil, including government owned stocks.
(b) Dairy Products Report:
(1) Reporting universe: All manufacturing plants.
(2) Products required to be reported:
(i) Nonfat dry milk.
(ii) Dry whey.

### § 1170.11 Records.

Each person required to report information to the Secretary shall maintain, and make available to the Secretary, on request, original contracts, agreements, receipts, and other records associated with the sale or storage of any dairy products during the 2-year period beginning on the date of the creation of the records.

### § 1170.12 Confidential information.

Except as otherwise directed by the Secretary or the Attorney General for enforcement purposes, no officer, employee, or agent of the United States shall make available to the public information, statistics, or documents obtained from or submitted by any person in compliance with the Dairy Product Mandatory Reporting program other than in a manner that ensures that confidentiality is preserved regarding the identity of person, including parties to a contract, and proprietary business information.

VERIFICATION AND ENFORCEMENT

### § 1170.13 Verification of reports.

For the purpose of assuring compliance and verification, records and reports required to be filed by manufacturers or other persons pursuant to section 273(b)(1)(A)(i) of the Act, the Agricultural Marketing Service, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where dairy products are produced or stored, and at any time during reasonable business hours shall be permitted to inspect such manufacturer or person, and any original contracts, agreements, receipts, and other records associated with the sale of any dairy products.

### § 1170.14 Noncompliance procedures.

(a) When the Secretary becomes aware that a manufacturer or person may have willfully delayed reporting of, or failed or refused to provide, accurate information pursuant to section 273(b)(1)(A)(i) of the Act, the Secretary may issue a cease and desist order.

(b) Prior to the issuance of a cease and desist order, the Secretary shall provide notice and an opportunity for an informal hearing regarding the matter to the manufacturer or person involved.

(c) The notice shall contain the following information:

(1) That the issuance of a cease and desist order is being considered;

(2) That the reasons for the proposed cease and desist order in terms sufficient to put the person on notice of the conduct or lack thereof upon which the notice is based;

(3) That within 30 days after receipt of the notice, the manufacturer or person may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed cease and desist order; and

(4) That if no response to the notice is received within the 30 days after receipt of the notice, that a cease and desist order may be issued immediately.

(d) If a manufacturer or person requests a hearing, the hearing should be held at a location and time that is convenient to the parties concerned, if possible. The hearing will be held before the Deputy Administrator, Dairy Programs, Agricultural Marketing Service, or a designee. The manufacturer or person may be represented. Witnesses may be called by either party.

(e) The Deputy Administrator, Dairy Programs, Agricultural Marketing Service, or a designee will make a decision on the basis of all the information in the administrative record, including

any submission made by the manufacturer or person. The decision of whether a cease and desist order should be issued shall be made within 30 days after receipt of any information and argument submitted by the manufacturer or person. The cease and desist order shall be final unless the affected manufacturer or person requests a reconsideration of the order to the Administrator, Agricultural Marketing Service, within 30 days after the date of the issuance of the order.

### § 1170.15 Appeals.

If the cease and desist order is confirmed by the Administrator, Agricultural Marketing Service, the manufacturer or person may appeal the order in the appropriate United States District Court not later than 30 days after the date of the confirmation of the order.

### § 1170.16 Enforcement.

(a) If a person subject to the Dairy Product Mandatory Reporting program fails to obey a cease and desist order after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Administrator, Agricultural Marketing Service, the United States may apply to the appropriate United States district court for enforcement of the order.

(b) If the court determines that the cease and desist order was lawfully made and duly served and that the manufacturer or person violated the order, the court shall enforce the order.

(c) If the court finds that the manufacturer or person violated the cease and desist order, the manufacturer or person shall be subject to a civil penalty of not more than the amount specified at §3.91(b)(1)(liv) of this title for each offense.

[73 FR 34181, June 17, 2008, as amended at 75 FR 17561, Apr. 7, 2010]

## PARTS 1171–1199 [RESERVED]

# FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
List of CFR Sections Affected

# Table of CFR Titles and Chapters

**(Revised as of January 1, 2012)**

## Title 1—General Provisions


I Administrative Committee of the Federal Register (Parts 1—49)
II Office of the Federal Register (Parts 50—299)
III Administrative Conference of the United States (Parts 300—399)
IV Miscellaneous Agencies (Parts 400—500)


## Title 2—Grants and Agreements


SUBTITLE A—OFFICE OF MANAGEMENT AND BUDGET GUIDANCE FOR GRANTS AND AGREEMENTS

I Office of Management and Budget Governmentwide Guidance for Grants and Agreements (Parts 2—199)
II Office of Management and Budget Circulars and Guidance (200—299)

SUBTITLE B—FEDERAL AGENCY REGULATIONS FOR GRANTS AND AGREEMENTS

III Department of Health and Human Services (Parts 300— 399)
IV Department of Agriculture (Parts 400—499)
VI Department of State (Parts 600—699)
VII Agency for International Development (Parts 700—799)
VIII Department of Veterans Affairs (Parts 800—899)
IX Department of Energy (Parts 900—999)
XI Department of Defense (Parts 1100—1199)
XII Department of Transportation (Parts 1200—1299)
XIII Department of Commerce (Parts 1300—1399)
XIV Department of the Interior (Parts 1400—1499)
XV Environmental Protection Agency (Parts 1500—1599)
XVIII National Aeronautics and Space Administration (Parts 1800—1899)
XX United States Nuclear Regulatory Commission (Parts 2000—2099)
XXII Corporation for National and Community Service (Parts 2200—2299)
XXIII Social Security Administration (Parts 2300—2399)
XXIV Housing and Urban Development (Parts 2400—2499)
XXV National Science Foundation (Parts 2500—2599)
XXVI National Archives and Records Administration (Parts 2600—2699)
XXVII Small Business Administration (Parts 2700—2799)
XXVIII Department of Justice (Parts 2800—2899)

## Title 2—Grants and Agreements—Continued

Chap.

XXX Department of Homeland Security (Parts 3000—3099)
XXXI Institute of Museum and Library Services (Parts 3100—3199)
XXXII National Endowment for the Arts (Parts 3200—3299)
XXXIII National Endowment for the Humanities (Parts 3300—3399)
XXXV Export-Import Bank of the United States (Parts 3500—3599)
XXXVII Peace Corps (Parts 3700—3799)
LVIII Election Assistance Commission (Parts 5800—5899)

## Title 3—The President

I Executive Office of the President (Parts 100—199)

## Title 4—Accounts

I Government Accountability Office (Parts 1—99)
II Recovery Accountability and Transparency Board (Parts 200—299)

## Title 5—Administrative Personnel

I Office of Personnel Management (Parts 1—1199)
II Merit Systems Protection Board (Parts 1200—1299)
III Office of Management and Budget (Parts 1300—1399)
V The International Organizations Employees Loyalty Board (Parts 1500—1599)
VI Federal Retirement Thrift Investment Board (Parts 1600—1699)
VIII Office of Special Counsel (Parts 1800—1899)
IX Appalachian Regional Commission (Parts 1900—1999)
XI Armed Forces Retirement Home (Parts 2100—2199)
XIV Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)
XV Office of Administration, Executive Office of the President (Parts 2500—2599)
XVI Office of Government Ethics (Parts 2600—2699)
XXI Department of the Treasury (Parts 3100—3199)
XXII Federal Deposit Insurance Corporation (Parts 3200—3299)
XXIII Department of Energy (Parts 3300—3399)
XXIV Federal Energy Regulatory Commission (Parts 3400—3499)
XXV Department of the Interior (Parts 3500—3599)
XXVI Department of Defense (Parts 3600— 3699)
XXVIII Department of Justice (Parts 3800—3899)
XXIX Federal Communications Commission (Parts 3900—3999)
XXX Farm Credit System Insurance Corporation (Parts 4000—4099)
XXXI Farm Credit Administration (Parts 4100—4199)
XXXIII Overseas Private Investment Corporation (Parts 4300—4399)

## Title 5—Administrative Personnel—Continued

Chap.


XXXIV Securities and Exchange Commission (Parts 4400—4499)
XXXV Office of Personnel Management (Parts 4500—4599)
XXXVII Federal Election Commission (Parts 4700—4799)
XL Interstate Commerce Commission (Parts 5000—5099)
XLI Commodity Futures Trading Commission (Parts 5100—5199)
XLII Department of Labor (Parts 5200—5299)
XLIII National Science Foundation (Parts 5300—5399)
XLV Department of Health and Human Services (Parts 5500—5599)
XLVI Postal Rate Commission (Parts 5600—5699)
XLVII Federal Trade Commission (Parts 5700—5799)
XLVIII Nuclear Regulatory Commission (Parts 5800—5899)
XLIX Federal Labor Relations Authority (Parts 5900—5999)
L Department of Transportation (Parts 6000—6099)
LII Export-Import Bank of the United States (Parts 6200—6299)
LIII Department of Education (Parts 6300—6399)
LIV Environmental Protection Agency (Parts 6400—6499)
LV National Endowment for the Arts (Parts 6500—6599)
LVI National Endowment for the Humanities (Parts 6600—6699)
LVII General Services Administration (Parts 6700—6799)
LVIII Board of Governors of the Federal Reserve System (Parts 6800—6899)
LIX National Aeronautics and Space Administration (Parts 6900—6999)
LX United States Postal Service (Parts 7000—7099)
LXI National Labor Relations Board (Parts 7100—7199)
LXII Equal Employment Opportunity Commission (Parts 7200—7299)
LXIII Inter-American Foundation (Parts 7300—7399)
LXIV Merit Systems Protection Board (Parts 7400—7499)
LXV Department of Housing and Urban Development (Parts 7500—7599)
LXVI National Archives and Records Administration (Parts 7600—7699)
LXVII Institute of Museum and Library Services (Parts 7700—7799)
LXVIII Commission on Civil Rights (Parts 7800—7899)
LXIX Tennessee Valley Authority (Parts 7900—7999)
LXX Court Services and Offender Supervision Agency for the District of Columbia (Parts 8000—8099)
LXXI Consumer Product Safety Commission (Parts 8100—8199)
LXXIII Department of Agriculture (Parts 8300—8399)
LXXIV Federal Mine Safety and Health Review Commission (Parts 8400—8499)
LXXVI Federal Retirement Thrift Investment Board (Parts 8600—8699)
LXXVII Office of Management and Budget (Parts 8700—8799)
LXXX Federal Housing Finance Agency (Parts 9000—9099)
LXXXII Special Inspector General for Iraq Reconstruction (Parts 9200—9299)

## Title 5—Administrative Personnel—Continued

Chap.

XCVII Department of Homeland Security Human Resources Management System (Department of Homeland Security—Office of Personnel Management) (Parts 9700—9799)

## Title 6—Domestic Security

I Department of Homeland Security, Office of the Secretary (Parts 1—99)

## Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE (PARTS 0—26)

SUBTITLE B—REGULATIONS OF THE DEPARTMENT OF AGRICULTURE

I Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)

II Food and Nutrition Service, Department of Agriculture (Parts 210—299)

III Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)

IV Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)

V Agricultural Research Service, Department of Agriculture (Parts 500—599)

VI Natural Resources Conservation Service, Department of Agriculture (Parts 600—699)

VII Farm Service Agency, Department of Agriculture (Parts 700—799)

VIII Grain Inspection, Packers and Stockyards Administration (Federal Grain Inspection Service), Department of Agriculture (Parts 800—899)

IX Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)

X Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)

XI Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)

XIV Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)

XV Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)

XVI Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)

XVII Rural Utilities Service, Department of Agriculture (Parts 1700—1799)

XVIII Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, and Farm Service Agency, Department of Agriculture (Parts 1800—2099)

XX Local Television Loan Guarantee Board (Parts 2200—2299)

## Title 7—Agriculture—Continued

Chap.

XXV Office of Advocacy and Outreach, Department of Agriculture (Parts 2500—2599)

XXVI Office of Inspector General, Department of Agriculture (Parts 2600—2699)

XXVII Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)

XXVIII Office of Operations, Department of Agriculture (Parts 2800—2899)

XXIX Office of Energy Policy and New Uses, Department of Agriculture (Parts 2900—2999)

XXX Office of the Chief Financial Officer, Department of Agriculture (Parts 3000—3099)

XXXI Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)

XXXII Office of Procurement and Property Management, Department of Agriculture (Parts 3200—3299)

XXXIII Office of Transportation, Department of Agriculture (Parts 3300—3399)

XXXIV National Institute of Food and Agriculture (Parts 3400—3499)

XXXV Rural Housing Service, Department of Agriculture (Parts 3500—3599)

XXXVI National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)

XXXVII Economic Research Service, Department of Agriculture (Parts 3700—3799)

XXXVIII World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)

XLI [Reserved]

XLII Rural Business-Cooperative Service and Rural Utilities Service, Department of Agriculture (Parts 4200—4299)

## Title 8—Aliens and Nationality

I Department of Homeland Security (Immigration and Naturalization) (Parts 1—499)

V Executive Office for Immigration Review, Department of Justice (Parts 1000—1399)

## Title 9—Animals and Animal Products

I Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)

II Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs), Department of Agriculture (Parts 200—299)

III Food Safety and Inspection Service, Department of Agriculture (Parts 300—599)

## Title 10—Energy

Chap.

I Nuclear Regulatory Commission (Parts 0—199)
II Department of Energy (Parts 200—699)
III Department of Energy (Parts 700—999)
X Department of Energy (General Provisions) (Parts 1000—1099)
XIII Nuclear Waste Technical Review Board (Parts 1300—1399)
XVII Defense Nuclear Facilities Safety Board (Parts 1700—1799)
XVIII Northeast Interstate Low-Level Radioactive Waste Commission (Parts 1800—1899)

## Title 11—Federal Elections

I Federal Election Commission (Parts 1—9099)
II Election Assistance Commission (Parts 9400—9499)

## Title 12—Banks and Banking

I Comptroller of the Currency, Department of the Treasury (Parts 1—199)
II Federal Reserve System (Parts 200—299)
III Federal Deposit Insurance Corporation (Parts 300—399)
IV Export-Import Bank of the United States (Parts 400—499)
V Office of Thrift Supervision, Department of the Treasury (Parts 500—599)
VI Farm Credit Administration (Parts 600—699)
VII National Credit Union Administration (Parts 700—799)
VIII Federal Financing Bank (Parts 800—899)
IX Federal Housing Finance Board (Parts 900—999)
X Bureau of Consumer Financial Protection (Parts 1000—1099)
XI Federal Financial Institutions Examination Council (Parts 1100—1199)
XII Federal Housing Finance Agency (Parts 1200—1299)
XIII Financial Stability Oversight Council (Parts 1300—1399)
XIV Farm Credit System Insurance Corporation (Parts 1400—1499)
XV Department of the Treasury (Parts 1500—1599)
XVI Office of Financial Research (Parts 1600—1699)
XVII Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development (Parts 1700—1799)
XVIII Community Development Financial Institutions Fund, Department of the Treasury (Parts 1800—1899)

## Title 13—Business Credit and Assistance

I Small Business Administration (Parts 1—199)
III Economic Development Administration, Department of Commerce (Parts 300—399)
IV Emergency Steel Guarantee Loan Board (Parts 400—499)
V Emergency Oil and Gas Guaranteed Loan Board (Parts 500—599)

## Title 14—Aeronautics and Space

Chap.

I Federal Aviation Administration, Department of Transportation (Parts 1—199)

II Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)

III Commercial Space Transportation, Federal Aviation Administration, Department of Transportation (Parts 400—1199)

V National Aeronautics and Space Administration (Parts 1200—1299)

VI Air Transportation System Stabilization (Parts 1300—1399)

## Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE (PARTS 0—29)

SUBTITLE B—REGULATIONS RELATING TO COMMERCE AND FOREIGN TRADE

I Bureau of the Census, Department of Commerce (Parts 30—199)

II National Institute of Standards and Technology, Department of Commerce (Parts 200—299)

III International Trade Administration, Department of Commerce (Parts 300—399)

IV Foreign-Trade Zones Board, Department of Commerce (Parts 400—499)

VII Bureau of Industry and Security, Department of Commerce (Parts 700—799)

VIII Bureau of Economic Analysis, Department of Commerce (Parts 800—899)

IX National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)

XI Technology Administration, Department of Commerce (Parts 1100—1199)

XIII East-West Foreign Trade Board (Parts 1300—1399)

XIV Minority Business Development Agency (Parts 1400—1499)

SUBTITLE C—REGULATIONS RELATING TO FOREIGN TRADE AGREEMENTS

XX Office of the United States Trade Representative (Parts 2000—2099)

SUBTITLE D—REGULATIONS RELATING TO TELECOMMUNICATIONS AND INFORMATION

XXIII National Telecommunications and Information Administration, Department of Commerce (Parts 2300—2399)

## Title 16—Commercial Practices

I Federal Trade Commission (Parts 0—999)

II Consumer Product Safety Commission (Parts 1000—1799)

## Title 17—Commodity and Securities Exchanges

Chap.

I Commodity Futures Trading Commission (Parts 1—199)

II Securities and Exchange Commission (Parts 200—399)

IV Department of the Treasury (Parts 400—499)

## Title 18—Conservation of Power and Water Resources

I Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)

III Delaware River Basin Commission (Parts 400—499)

VI Water Resources Council (Parts 700—799)

VIII Susquehanna River Basin Commission (Parts 800—899)

XIII Tennessee Valley Authority (Parts 1300—1399)

## Title 19—Customs Duties

I U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury (Parts 0—199)

II United States International Trade Commission (Parts 200—299)

III International Trade Administration, Department of Commerce (Parts 300—399)

IV U.S. Immigration and Customs Enforcement, Department of Homeland Security (Parts 400—599)

## Title 20—Employees' Benefits

I Office of Workers' Compensation Programs, Department of Labor (Parts 1—199)

II Railroad Retirement Board (Parts 200—399)

III Social Security Administration (Parts 400—499)

IV Employees' Compensation Appeals Board, Department of Labor (Parts 500—599)

V Employment and Training Administration, Department of Labor (Parts 600—699)

VI Office of Workers' Compensation Programs, Department of Labor (Parts 700—799)

VII Benefits Review Board, Department of Labor (Parts 800—899)

VIII Joint Board for the Enrollment of Actuaries (Parts 900—999)

IX Office of the Assistant Secretary for Veterans' Employment and Training Service, Department of Labor (Parts 1000—1099)

## Title 21—Food and Drugs

I Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)

II Drug Enforcement Administration, Department of Justice (Parts 1300—1399)

III Office of National Drug Control Policy (Parts 1400—1499)

## Title 22—Foreign Relations

Chap.


I Department of State (Parts 1—199)

II Agency for International Development (Parts 200—299)

III Peace Corps (Parts 300—399)

IV International Joint Commission, United States and Canada (Parts 400—499)

V Broadcasting Board of Governors (Parts 500—599)

VII Overseas Private Investment Corporation (Parts 700—799)

IX Foreign Service Grievance Board (Parts 900—999)

X Inter-American Foundation (Parts 1000—1099)

XI International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)

XII United States International Development Cooperation Agency (Parts 1200—1299)

XIII Millennium Challenge Corporation (Parts 1300—1399)

XIV Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)

XV African Development Foundation (Parts 1500—1599)

XVI Japan-United States Friendship Commission (Parts 1600—1699)

XVII United States Institute of Peace (Parts 1700—1799)


## Title 23—Highways


I Federal Highway Administration, Department of Transportation (Parts 1—999)

II National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)

III National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)


## Title 24—Housing and Urban Development


SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (PARTS 0—99)

SUBTITLE B—REGULATIONS RELATING TO HOUSING AND URBAN DEVELOPMENT

I Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)

II Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)

III Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)

IV Office of Housing and Office of Multifamily Housing Assistance Restructuring, Department of Housing and Urban Development (Parts 400—499)

## Title 24—Housing and Urban Development—Continued

Chap.

V Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)

VI Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699) [Reserved]

VII Office of the Secretary, Department of Housing and Urban Development (Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)

VIII Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs, Section 202 Direct Loan Program, Section 202 Supportive Housing for the Elderly Program and Section 811 Supportive Housing for Persons With Disabilities Program) (Parts 800—899)

IX Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—1699)

X Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700—1799)

XII Office of Inspector General, Department of Housing and Urban Development (Parts 2000—2099)

XV Emergency Mortgage Insurance and Loan Programs, Department of Housing and Urban Development (Parts 2700—2799)

XX Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200—3899)

XXIV Board of Directors of the HOPE for Homeowners Program (Parts 4000—4099)

XXV Neighborhood Reinvestment Corporation (Parts 4100—4199)

## Title 25—Indians

I Bureau of Indian Affairs, Department of the Interior (Parts 1—299)

II Indian Arts and Crafts Board, Department of the Interior (Parts 300—399)

III National Indian Gaming Commission, Department of the Interior (Parts 500—599)

IV Office of Navajo and Hopi Indian Relocation (Parts 700—799)

V Bureau of Indian Affairs, Department of the Interior, and Indian Health Service, Department of Health and Human Services (Part 900)

VI Office of the Assistant Secretary-Indian Affairs, Department of the Interior (Parts 1000—1199)

VII Office of the Special Trustee for American Indians, Department of the Interior (Parts 1200—1299)

## Title 26—Internal Revenue

Chap.

I Internal Revenue Service, Department of the Treasury (Parts 1—End)

## Title 27—Alcohol, Tobacco Products and Firearms

I Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury (Parts 1—399)

II Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice (Parts 400—699)

## Title 28—Judicial Administration

I Department of Justice (Parts 0—299)

III Federal Prison Industries, Inc., Department of Justice (Parts 300—399)

V Bureau of Prisons, Department of Justice (Parts 500—599)

VI Offices of Independent Counsel, Department of Justice (Parts 600—699)

VII Office of Independent Counsel (Parts 700—799)

VIII Court Services and Offender Supervision Agency for the District of Columbia (Parts 800—899)

IX National Crime Prevention and Privacy Compact Council (Parts 900—999)

XI Department of Justice and Department of State (Parts 1100—1199)

## Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR (PARTS 0—99)

SUBTITLE B—REGULATIONS RELATING TO LABOR

I National Labor Relations Board (Parts 100—199)

II Office of Labor-Management Standards, Department of Labor (Parts 200—299)

III National Railroad Adjustment Board (Parts 300—399)

IV Office of Labor-Management Standards, Department of Labor (Parts 400—499)

V Wage and Hour Division, Department of Labor (Parts 500—899)

IX Construction Industry Collective Bargaining Commission (Parts 900—999)

X National Mediation Board (Parts 1200—1299)

XII Federal Mediation and Conciliation Service (Parts 1400—1499)

XIV Equal Employment Opportunity Commission (Parts 1600—1699)

XVII Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)

XX Occupational Safety and Health Review Commission (Parts 2200—2499)

XXV Employee Benefits Security Administration, Department of Labor (Parts 2500—2599)

## Title 29—Labor—Continued

Chap.

XXVII Federal Mine Safety and Health Review Commission (Parts 2700—2799)

XL Pension Benefit Guaranty Corporation (Parts 4000—4999)

## Title 30—Mineral Resources

I Mine Safety and Health Administration, Department of Labor (Parts 1—199)

II Bureau of Safety and Environmental Enforcement, Department of the Interior (Parts 200—299)

IV Geological Survey, Department of the Interior (Parts 400—499)

V Bureau of Ocean Energy Management, Department of the Interior (Parts 500—599)

VII Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)

XII Office of Natural Resources Revenue, Department of the Interior (Parts 1200—1299)

## Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY OF THE TREASURY (PARTS 0—50)

SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE

I Monetary Offices, Department of the Treasury (Parts 51—199)

II Fiscal Service, Department of the Treasury (Parts 200—399)

IV Secret Service, Department of the Treasury (Parts 400—499)

V Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)

VI Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)

VII Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)

VIII Office of International Investment, Department of the Treasury (Parts 800—899)

IX Federal Claims Collection Standards (Department of the Treasury—Department of Justice) (Parts 900—999)

X Financial Crimes Enforcement Network, Department of the Treasury (Parts 1000—1099)

## Title 32—National Defense

SUBTITLE A—DEPARTMENT OF DEFENSE

I Office of the Secretary of Defense (Parts 1—399)

V Department of the Army (Parts 400—699)

VI Department of the Navy (Parts 700—799)

VII Department of the Air Force (Parts 800—1099)

SUBTITLE B—OTHER REGULATIONS RELATING TO NATIONAL DEFENSE

## Title 32—National Defense—Continued

Chap.

XII Defense Logistics Agency (Parts 1200—1299)
XVI Selective Service System (Parts 1600—1699)
XVII Office of the Director of National Intelligence (Parts 1700—1799)
XVIII National Counterintelligence Center (Parts 1800—1899)
XIX Central Intelligence Agency (Parts 1900—1999)
XX Information Security Oversight Office, National Archives and Records Administration (Parts 2000—2099)
XXI National Security Council (Parts 2100—2199)
XXIV Office of Science and Technology Policy (Parts 2400—2499)
XXVII Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII Office of the Vice President of the United States (Parts 2800—2899)

## Title 33—Navigation and Navigable Waters

I Coast Guard, Department of Homeland Security (Parts 1—199)
II Corps of Engineers, Department of the Army (Parts 200—399)
IV Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

## Title 34—Education

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF EDUCATION (PARTS 1—99)

SUBTITLE B—REGULATIONS OF THE OFFICES OF THE DEPARTMENT OF EDUCATION

I Office for Civil Rights, Department of Education (Parts 100—199)
II Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
IV Office of Vocational and Adult Education, Department of Education (Parts 400—499)
V Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599)
VI Office of Postsecondary Education, Department of Education (Parts 600—699)
VII Office of Educational Research and Improvement, Department of Education [Reserved]
XI National Institute for Literacy (Parts 1100—1199)

SUBTITLE C—REGULATIONS RELATING TO EDUCATION

XII National Council on Disability (Parts 1200—1299)

## Title 35 [Reserved]

## Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1—199)

## Title 36—Parks, Forests, and Public Property—Continued

Chap.

II Forest Service, Department of Agriculture (Parts 200—299)
III Corps of Engineers, Department of the Army (Parts 300—399)
IV American Battle Monuments Commission (Parts 400—499)
V Smithsonian Institution (Parts 500—599)
VI [Reserved]
VII Library of Congress (Parts 700—799)
VIII Advisory Council on Historic Preservation (Parts 800—899)
IX Pennsylvania Avenue Development Corporation (Parts 900—999)
X Presidio Trust (Parts 1000—1099)
XI Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)
XII National Archives and Records Administration (Parts 1200—1299)
XV Oklahoma City National Memorial Trust (Parts 1500—1599)
XVI Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (Parts 1600—1699)

## Title 37—Patents, Trademarks, and Copyrights

I United States Patent and Trademark Office, Department of Commerce (Parts 1—199)
II Copyright Office, Library of Congress (Parts 200—299)
III Copyright Royalty Board, Library of Congress (Parts 300—399)
IV Assistant Secretary for Technology Policy, Department of Commerce (Parts 400—499)
V Under Secretary for Technology, Department of Commerce (Parts 500—599)

## Title 38—Pensions, Bonuses, and Veterans' Relief

I Department of Veterans Affairs (Parts 0—99)
II Armed Forces Retirement Home (Parts 200—299)

## Title 39—Postal Service

I United States Postal Service (Parts 1—999)
III Postal Regulatory Commission (Parts 3000—3099)

## Title 40—Protection of Environment

I Environmental Protection Agency (Parts 1—1099)
IV Environmental Protection Agency and Department of Justice (Parts 1400—1499)
V Council on Environmental Quality (Parts 1500—1599)
VI Chemical Safety and Hazard Investigation Board (Parts 1600—1699)
VII Environmental Protection Agency and Department of Defense; Uniform National Discharge Standards for Vessels of the Armed Forces (Parts 1700—1799)

## Title 41—Public Contracts and Property Management

Chap.


SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM [NOTE]

SUBTITLE B—OTHER PROVISIONS RELATING TO PUBLIC CONTRACTS

50 Public Contracts, Department of Labor (Parts 50–1—50–999)

51 Committee for Purchase From People Who Are Blind or Severely Disabled (Parts 51–1—51–99)

60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60–1—60–999)

61 Office of the Assistant Secretary for Veterans' Employment and Training Service, Department of Labor (Parts 61–1—61–999)

62—100 [Reserved]

SUBTITLE C—FEDERAL PROPERTY MANAGEMENT REGULATIONS SYSTEM

101 Federal Property Management Regulations (Parts 101–1—101–99)

102 Federal Management Regulation (Parts 102–1—102–299)

103—104 [Reserved]

105 General Services Administration (Parts 105–1—105–999)

109 Department of Energy Property Management Regulations (Parts 109–1—109–99)

114 Department of the Interior (Parts 114–1—114–99)

115 Environmental Protection Agency (Parts 115–1—115–99)

128 Department of Justice (Parts 128–1—128–99)

129—200 [Reserved]

SUBTITLE D—OTHER PROVISIONS RELATING TO PROPERTY MANAGEMENT [RESERVED]

SUBTITLE E—FEDERAL INFORMATION RESOURCES MANAGEMENT REGULATIONS SYSTEM [RESERVED]

SUBTITLE F—FEDERAL TRAVEL REGULATION SYSTEM

300 General (Parts 300–1—300–99)

301 Temporary Duty (TDY) Travel Allowances (Parts 301–1—301–99)

302 Relocation Allowances (Parts 302–1—302–99)

303 Payment of Expenses Connected with the Death of Certain Employees (Part 303–1—303–99)

304 Payment of Travel Expenses from a Non-Federal Source (Parts 304–1—304–99)


## Title 42—Public Health


I Public Health Service, Department of Health and Human Services (Parts 1—199)

IV Centers for Medicare & Medicaid Services, Department of Health and Human Services (Parts 400—599)

V Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

## Title 43—Public Lands: Interior

Chap.

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR (PARTS 1—199)

SUBTITLE B—REGULATIONS RELATING TO PUBLIC LANDS

I Bureau of Reclamation, Department of the Interior (Parts 200—599)

II Bureau of Land Management, Department of the Interior (Parts 1000—9999)

III Utah Reclamation Mitigation and Conservation Commission (Parts 10000—10099)

## Title 44—Emergency Management and Assistance

I Federal Emergency Management Agency, Department of Homeland Security (Parts 0—399)

IV Department of Commerce and Department of Transportation (Parts 400—499)

## Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH AND HUMAN SERVICES (PARTS 1—199)

SUBTITLE B—REGULATIONS RELATING TO PUBLIC WELFARE

II Office of Family Assistance (Assistance Programs), Administration for Children and Families, Department of Health and Human Services (Parts 200—299)

III Office of Child Support Enforcement (Child Support Enforcement Program), Administration for Children and Families, Department of Health and Human Services (Parts 300—399)

IV Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services (Parts 400—499)

V Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)

VI National Science Foundation (Parts 600—699)

VII Commission on Civil Rights (Parts 700—799)

VIII Office of Personnel Management (Parts 800—899) [Reserved]

X Office of Community Services, Administration for Children and Families, Department of Health and Human Services (Parts 1000—1099)

XI National Foundation on the Arts and the Humanities (Parts 1100—1199)

XII Corporation for National and Community Service (Parts 1200—1299)

XIII Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)

XVI Legal Services Corporation (Parts 1600—1699)

XVII National Commission on Libraries and Information Science (Parts 1700—1799)

XVIII Harry S. Truman Scholarship Foundation (Parts 1800—1899)

XXI Commission on Fine Arts (Parts 2100—2199)

## Title 45—Public Welfare—Continued

Chap.

XXIII Arctic Research Commission (Part 2301)

XXIV James Madison Memorial Fellowship Foundation (Parts 2400—2499)

XXV Corporation for National and Community Service (Parts 2500—2599)

## Title 46—Shipping

I Coast Guard, Department of Homeland Security (Parts 1—199)

II Maritime Administration, Department of Transportation (Parts 200—399)

III Coast Guard (Great Lakes Pilotage), Department of Homeland Security (Parts 400—499)

IV Federal Maritime Commission (Parts 500—599)

## Title 47—Telecommunication

I Federal Communications Commission (Parts 0—199)

II Office of Science and Technology Policy and National Security Council (Parts 200—299)

III National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)

IV National Telecommunications and Information Administration, Department of Commerce, and National Highway Traffic Safety Administration, Department of Transportation (Parts 400—499)

## Title 48—Federal Acquisition Regulations System

1 Federal Acquisition Regulation (Parts 1—99)

2 Defense Acquisition Regulations System, Department of Defense (Parts 200—299)

3 Health and Human Services (Parts 300—399)

4 Department of Agriculture (Parts 400—499)

5 General Services Administration (Parts 500—599)

6 Department of State (Parts 600—699)

7 Agency for International Development (Parts 700—799)

8 Department of Veterans Affairs (Parts 800—899)

9 Department of Energy (Parts 900—999)

10 Department of the Treasury (Parts 1000—1099)

12 Department of Transportation (Parts 1200—1299)

13 Department of Commerce (Parts 1300—1399)

14 Department of the Interior (Parts 1400—1499)

15 Environmental Protection Agency (Parts 1500—1599)

16 Office of Personnel Management, Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)

17 Office of Personnel Management (Parts 1700—1799)

## Title 48—Federal Acquisition Regulations System—Continued

Chap.

18 National Aeronautics and Space Administration (Parts 1800—1899)

19 Broadcasting Board of Governors (Parts 1900—1999)

20 Nuclear Regulatory Commission (Parts 2000—2099)

21 Office of Personnel Management, Federal Employees Group Life Insurance Federal Acquisition Regulation (Parts 2100—2199)

23 Social Security Administration (Parts 2300—2399)

24 Department of Housing and Urban Development (Parts 2400—2499)

25 National Science Foundation (Parts 2500—2599)

28 Department of Justice (Parts 2800—2899)

29 Department of Labor (Parts 2900—2999)

30 Department of Homeland Security, Homeland Security Acquisition Regulation (HSAR) (Parts 3000—3099)

34 Department of Education Acquisition Regulation (Parts 3400—3499)

51 Department of the Army Acquisition Regulations (Parts 5100—5199)

52 Department of the Navy Acquisition Regulations (Parts 5200—5299)

53 Department of the Air Force Federal Acquisition Regulation Supplement [Reserved]

54 Defense Logistics Agency, Department of Defense (Parts 5400—5499)

57 African Development Foundation (Parts 5700—5799)

61 Civilian Board of Contract Appeals, General Services Administration (Parts 6100—6199)

63 Department of Transportation Board of Contract Appeals (Parts 6300—6399)

99 Cost Accounting Standards Board, Office of Federal Procurement Policy, Office of Management and Budget (Parts 9900—9999)

## Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION (PARTS 1—99)

SUBTITLE B—OTHER REGULATIONS RELATING TO TRANSPORTATION

I Pipeline and Hazardous Materials Safety Administration, Department of Transportation (Parts 100—199)

II Federal Railroad Administration, Department of Transportation (Parts 200—299)

III Federal Motor Carrier Safety Administration, Department of Transportation (Parts 300—399)

IV Coast Guard, Department of Homeland Security (Parts 400—499)

V National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)

VI Federal Transit Administration, Department of Transportation (Parts 600—699)

## Title 49—Transportation—Continued

Chap.


VII National Railroad Passenger Corporation (AMTRAK) (Parts 700—799)

VIII National Transportation Safety Board (Parts 800—999)

X Surface Transportation Board, Department of Transportation (Parts 1000—1399)

XI Research and Innovative Technology Administration, Department of Transportation [Reserved]

XII Transportation Security Administration, Department of Homeland Security (Parts 1500—1699)


## Title 50—Wildlife and Fisheries


I United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)

II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)

III International Fishing and Related Activities (Parts 300—399)

IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400—499)

V Marine Mammal Commission (Parts 500—599)

VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)


## CFR Index and Finding Aids


Subject/Agency Index

List of Agency Prepared Indexes

Parallel Tables of Statutory Authorities and Rules

List of CFR Titles, Chapters, Subchapters, and Parts

Alphabetical List of Agencies Appearing in the CFR

# Alphabetical List of Agencies Appearing in the CFR

**(Revised as of January 1, 2012)**

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Administrative Committee of the Federal Register | 1, I |
| Administrative Conference of the United States | 1, III |
| Advisory Council on Historic Preservation | 36, VIII |
| Advocacy and Outreach, Office of | 7, XXV |
| African Development Foundation | 22, XV |
| Federal Acquisition Regulation | 48, 57 |
| Agency for International Development | 2, VII; 22, II |
| Federal Acquisition Regulation | 48, 7 |
| Agricultural Marketing Service | 7, I, IX, X, XI |
| Agricultural Research Service | 7, V |
| Agriculture Department | 2, IV; 5, LXXIII |
| Advocacy and Outreach, Office of | 7, XXV |
| Agricultural Marketing Service | 7, I, IX, X, XI |
| Agricultural Research Service | 7, V |
| Animal and Plant Health Inspection Service | 7, III; 9, I |
| Chief Financial Officer, Office of | 7, XXX |
| Commodity Credit Corporation | 7, XIV |
| Economic Research Service | 7, XXXVII |
| Energy Policy and New Uses, Office of | 2, IX; 7, XXIX |
| Environmental Quality, Office of | 7, XXXI |
| Farm Service Agency | 7, VII, XVIII |
| Federal Acquisition Regulation | 48, 4 |
| Federal Crop Insurance Corporation | 7, IV |
| Food and Nutrition Service | 7, II |
| Food Safety and Inspection Service | 9, III |
| Foreign Agricultural Service | 7, XV |
| Forest Service | 36, II |
| Grain Inspection, Packers and Stockyards Administration | 7, VIII; 9, II |
| Information Resources Management, Office of | 7, XXVII |
| Inspector General, Office of | 7, XXVI |
| National Agricultural Library | 7, XLI |
| National Agricultural Statistics Service | 7, XXXVI |
| National Institute of Food and Agriculture | 7, XXXIV |
| Natural Resources Conservation Service | 7, VI |
| Operations, Office of | 7, XXVIII |
| Procurement and Property Management, Office of | 7, XXXII |
| Rural Business-Cooperative Service | 7, XVIII, XLII, L |
| Rural Development Administration | 7, XLII |
| Rural Housing Service | 7, XVIII, XXXV, L |
| Rural Telephone Bank | 7, XVI |
| Rural Utilities Service | 7, XVII, XVIII, XLII, L |
| Secretary of Agriculture, Office of | 7, Subtitle A |
| Transportation, Office of | 7, XXXIII |
| World Agricultural Outlook Board | 7, XXXVIII |
| Air Force Department | 32, VII |
| Federal Acquisition Regulation Supplement | 48, 53 |
| Air Transportation Stabilization Board | 14, VI |
| Alcohol and Tobacco Tax and Trade Bureau | 27, I |
| Alcohol, Tobacco, Firearms, and Explosives, Bureau of | 27, II |
| AMTRAK | 49, VII |
| American Battle Monuments Commission | 36, IV |
| American Indians, Office of the Special Trustee | 25, VII |
| Animal and Plant Health Inspection Service | 7, III; 9, I |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Appalachian Regional Commission | 5, IX |
| Architectural and Transportation Barriers Compliance Board | 36, XI |
| Arctic Research Commission | 45, XXIII |
| Armed Forces Retirement Home | 5, XI |
| Army Department | 32, V |
| Engineers, Corps of | 33, II; 36, III |
| Federal Acquisition Regulation | 48, 51 |
| Bilingual Education and Minority Languages Affairs, Office of | 34, V |
| Blind or Severely Disabled, Committee for Purchase from People Who Are | 41, 51 |
| Broadcasting Board of Governors | 22, V |
| Federal Acquisition Regulation | 48, 19 |
| Bureau of Ocean Energy Management, Regulation, and Enforcement | 30, II |
| Census Bureau | 15, I |
| Centers for Medicare & Medicaid Services | 42, IV |
| Central Intelligence Agency | 32, XIX |
| Chemical Safety and Hazardous Investigation Board | 40, VI |
| Chief Financial Officer, Office of | 7, XXX |
| Child Support Enforcement, Office of | 45, III |
| Children and Families, Administration for | 45, II, III, IV, X |
| Civil Rights, Commission on | 5, LXVIII; 45, VII |
| Civil Rights, Office for | 34, I |
| Court Services and Offender Supervision Agency for the District of Columbia | 5, LXX |
| Coast Guard | 33, I; 46, I; 49, IV |
| Coast Guard (Great Lakes Pilotage) | 46, III |
| Commerce Department | 2, XIII; 44, IV; 50, VI |
| Census Bureau | 15, I |
| Economic Affairs, Under Secretary | 37, V |
| Economic Analysis, Bureau of | 15, VIII |
| Economic Development Administration | 13, III |
| Emergency Management and Assistance | 44, IV |
| Federal Acquisition Regulation | 48, 13 |
| Foreign-Trade Zones Board | 15, IV |
| Industry and Security, Bureau of | 15, VII |
| International Trade Administration | 15, III; 19, III |
| National Institute of Standards and Technology | 15, II |
| National Marine Fisheries Service | 50, II, IV |
| National Oceanic and Atmospheric Administration | 15, IX; 50, II, III, IV, VI |
| National Telecommunications and Information Administration | 15, XXIII; 47, III, IV |
| National Weather Service | 15, IX |
| Patent and Trademark Office, United States | 37, I |
| Productivity, Technology and Innovation, Assistant Secretary for | 37, IV |
| Secretary of Commerce, Office of | 15, Subtitle A |
| Technology, Under Secretary for | 37, V |
| Technology Administration | 15, XI |
| Technology Policy, Assistant Secretary for | 37, IV |
| Commercial Space Transportation | 14, III |
| Commodity Credit Corporation | 7, XIV |
| Commodity Futures Trading Commission | 5, XLI; 17, I |
| Community Planning and Development, Office of Assistant Secretary for | 24, V, VI |
| Community Services, Office of | 45, X |
| Comptroller of the Currency | 12, I |
| Construction Industry Collective Bargaining Commission | 29, IX |
| Consumer Financial Protection Bureau | 12, X |
| Consumer Product Safety Commission | 5, LXXI; 16, II |
| Copyright Office | 37, II |
| Copyright Royalty Board | 37, III |
| Corporation for National and Community Service | 2, XXII; 45, XII, XXV |
| Cost Accounting Standards Board | 48, 99 |
| Council on Environmental Quality | 40, V |
| Court Services and Offender Supervision Agency for the District of Columbia | 5, LXX; 28, VIII |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Customs and Border Protection | 19, I |
| Defense Contract Audit Agency | 32, I |
| Defense Department | 2, XI; 5, XXVI; 32, Subtitle A; 40, VII |
| Advanced Research Projects Agency | 32, I |
| Air Force Department | 32, VII |
| Army Department | 32, V; 33, II; 36, III, 48, 51 |
| Defense Acquisition Regulations System | 48, 2 |
| Defense Intelligence Agency | 32, I |
| Defense Logistics Agency | 32, I, XII; 48, 54 |
| Engineers, Corps of | 33, II; 36, III |
| National Imagery and Mapping Agency | 32, I |
| Navy Department | 32, VI; 48, 52 |
| Secretary of Defense, Office of | 2, XI; 32, I |
| Defense Contract Audit Agency | 32, I |
| Defense Intelligence Agency | 32, I |
| Defense Logistics Agency | 32, XII; 48, 54 |
| Defense Nuclear Facilities Safety Board | 10, XVII |
| Delaware River Basin Commission | 18, III |
| District of Columbia, Court Services and Offender Supervision Agency for the | 5, LXX; 28, VIII |
| Drug Enforcement Administration | 21, II |
| East-West Foreign Trade Board | 15, XIII |
| Economic Affairs, Under Secretary | 37, V |
| Economic Analysis, Bureau of | 15, VIII |
| Economic Development Administration | 13, III |
| Economic Research Service | 7, XXXVII |
| Education, Department of | 5, LIII |
| Bilingual Education and Minority Languages Affairs, Office of | 34, V |
| Civil Rights, Office for | 34, I |
| Educational Research and Improvement, Office of | 34, VII |
| Elementary and Secondary Education, Office of | 34, II |
| Federal Acquisition Regulation | 48, 34 |
| Postsecondary Education, Office of | 34, VI |
| Secretary of Education, Office of | 34, Subtitle A |
| Special Education and Rehabilitative Services, Office of | 34, III |
| Vocational and Adult Education, Office of | 34, IV |
| Educational Research and Improvement, Office of | 34, VII |
| Election Assistance Commission | 2, LVIII; 11, II |
| Elementary and Secondary Education, Office of | 34, II |
| Emergency Oil and Gas Guaranteed Loan Board | 13, V |
| Emergency Steel Guarantee Loan Board | 13, IV |
| Employee Benefits Security Administration | 29, XXV |
| Employees' Compensation Appeals Board | 20, IV |
| Employees Loyalty Board | 5, V |
| Employment and Training Administration | 20, V |
| Employment Standards Administration | 20, VI |
| Endangered Species Committee | 50, IV |
| Energy, Department of | 2, IX; 5, XXIII; 10, II, III, X |
| Federal Acquisition Regulation | 48, 9 |
| Federal Energy Regulatory Commission | 5, XXIV; 18, I |
| Property Management Regulations | 41, 109 |
| Energy, Office of | 7, XXIX |
| Engineers, Corps of | 33, II; 36, III |
| Engraving and Printing, Bureau of | 31, VI |
| Environmental Protection Agency | 2, XV; 5, LIV; 40, I, IV, VII |
| Federal Acquisition Regulation | 48, 15 |
| Property Management Regulations | 41, 115 |
| Environmental Quality, Office of | 7, XXXI |
| Equal Employment Opportunity Commission | 5, LXII; 29, XIV |
| Equal Opportunity, Office of Assistant Secretary for | 24, I |
| Executive Office of the President | 3, I |
| Administration, Office of | 5, XV |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Environmental Quality, Council on | 40, V |
| Management and Budget, Office of | 2, Subtitle A; 5, III, LXXVII; 14, VI; 48, 99 |
| National Drug Control Policy, Office of | 21, III |
| National Security Council | 32, XXI; 47, 2 |
| Presidential Documents | 3 |
| Science and Technology Policy, Office of | 32, XXIV; 47, II |
| Trade Representative, Office of the United States | 15, XX |
| Export-Import Bank of the United States | 2, XXXV; 5, LII; 12, IV |
| Family Assistance, Office of | 45, II |
| Farm Credit Administration | 5, XXXI; 12, VI |
| Farm Credit System Insurance Corporation | 5, XXX; 12, XIV |
| Farm Service Agency | 7, VII, XVIII |
| Federal Acquisition Regulation | 48, 1 |
| Federal Aviation Administration | 14, I |
| Commercial Space Transportation | 14, III |
| Federal Claims Collection Standards | 31, IX |
| Federal Communications Commission | 5, XXIX; 47, I |
| Federal Contract Compliance Programs, Office of | 41, 60 |
| Federal Crop Insurance Corporation | 7, IV |
| Federal Deposit Insurance Corporation | 5, XXII; 12, III |
| Federal Election Commission | 5, XXXVII; 11, I |
| Federal Emergency Management Agency | 44, I |
| Federal Employees Group Life Insurance Federal Acquisition Regulation | 48, 21 |
| Federal Employees Health Benefits Acquisition Regulation | 48, 16 |
| Federal Energy Regulatory Commission | 5, XXIV; 18, I |
| Federal Financial Institutions Examination Council | 12, XI |
| Federal Financing Bank | 12, VIII |
| Federal Highway Administration | 23, I, II |
| Federal Home Loan Mortgage Corporation | 1, IV |
| Federal Housing Enterprise Oversight Office | 12, XVII |
| Federal Housing Finance Agency | 5, LXXX; 12, XII |
| Federal Housing Finance Board | 12, IX |
| Federal Labor Relations Authority | 5, XIV, XLIX; 22, XIV |
| Federal Law Enforcement Training Center | 31, VII |
| Federal Management Regulation | 41, 102 |
| Federal Maritime Commission | 46, IV |
| Federal Mediation and Conciliation Service | 29, XII |
| Federal Mine Safety and Health Review Commission | 5, LXXIV; 29, XXVII |
| Federal Motor Carrier Safety Administration | 49, III |
| Federal Prison Industries, Inc. | 28, III |
| Federal Procurement Policy Office | 48, 99 |
| Federal Property Management Regulations | 41, 101 |
| Federal Railroad Administration | 49, II |
| Federal Register, Administrative Committee of | 1, I |
| Federal Register, Office of | 1, II |
| Federal Reserve System | 12, II |
| Board of Governors | 5, LVIII |
| Federal Retirement Thrift Investment Board | 5, VI, LXXVI |
| Federal Service Impasses Panel | 5, XIV |
| Federal Trade Commission | 5, XLVII; 16, I |
| Federal Transit Administration | 49, VI |
| Federal Travel Regulation System | 41, Subtitle F |
| Financial Crimes Enforcement Network | 31, X |
| Financial Research Office | 12, XVI |
| Financial Stability Oversight Council | 12, XIII |
| Fine Arts, Commission on | 45, XXI |
| Fiscal Service | 31, II |
| Fish and Wildlife Service, United States | 50, I, IV |
| Food and Drug Administration | 21, I |
| Food and Nutrition Service | 7, II |
| Food Safety and Inspection Service | 9, III |
| Foreign Agricultural Service | 7, XV |
| Foreign Assets Control, Office of | 31, V |
| Foreign Claims Settlement Commission of the United States | 45, V |
| Foreign Service Grievance Board | 22, IX |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Foreign Service Impasse Disputes Panel | 22, XIV |
| Foreign Service Labor Relations Board | 22, XIV |
| Foreign-Trade Zones Board | 15, IV |
| Forest Service | 36, II |
| General Services Administration | 5, LVII; 41, 105 |
| Contract Appeals, Board of | 48, 61 |
| Federal Acquisition Regulation | 48, 5 |
| Federal Management Regulation | 41, 102 |
| Federal Property Management Regulations | 41, 101 |
| Federal Travel Regulation System | 41, Subtitle F |
| General | 41, 300 |
| Payment From a Non-Federal Source for Travel Expenses | 41, 304 |
| Payment of Expenses Connected With the Death of Certain Employees | 41, 303 |
| Relocation Allowances | 41, 302 |
| Temporary Duty (TDY) Travel Allowances | 41, 301 |
| Geological Survey | 30, IV |
| Government Accountability Office | 4, I |
| Government Ethics, Office of | 5, XVI |
| Government National Mortgage Association | 24, III |
| Grain Inspection, Packers and Stockyards Administration | 7, VIII; 9, II |
| Harry S. Truman Scholarship Foundation | 45, XVIII |
| Health and Human Services, Department of | 2, III; 5, XLV; 45, Subtitle A, |
| Centers for Medicare & Medicaid Services | 42, IV |
| Child Support Enforcement, Office of | 45, III |
| Children and Families, Administration for | 45, II, III, IV, X |
| Community Services, Office of | 45, X |
| Family Assistance, Office of | 45, II |
| Federal Acquisition Regulation | 48, 3 |
| Food and Drug Administration | 21, I |
| Human Development Services, Office of | 45, XIII |
| Indian Health Service | 25, V |
| Inspector General (Health Care), Office of | 42, V |
| Public Health Service | 42, I |
| Refugee Resettlement, Office of | 45, IV |
| Homeland Security, Department of | 2, XXX; 6, I |
| Coast Guard | 33, I; 46, I; 49, IV |
| Coast Guard (Great Lakes Pilotage) | 46, III |
| Customs and Border Protection | 19, I |
| Federal Emergency Management Agency | 44, I |
| Human Resources Management and Labor Relations Systems | 5, XCVII |
| Immigration and Customs Enforcement Bureau | 19, IV |
| Immigration and Naturalization | 8, I |
| Transportation Security Administration | 49, XII |
| HOPE for Homeowners Program, Board of Directors of | 24, XXIV |
| Housing and Urban Development, Department of | 2, XXIV; 5, LXV; 24, Subtitle B |
| Community Planning and Development, Office of Assistant Secretary for | 24, V, VI |
| Equal Opportunity, Office of Assistant Secretary for | 24, I |
| Federal Acquisition Regulation | 48, 24 |
| Federal Housing Enterprise Oversight, Office of | 12, XVII |
| Government National Mortgage Association | 24, III |
| Housing—Federal Housing Commissioner, Office of Assistant Secretary for | 24, II, VIII, X, XX |
| Housing, Office of, and Multifamily Housing Assistance Restructuring, Office of | 24, IV |
| Inspector General, Office of | 24, XII |
| Public and Indian Housing, Office of Assistant Secretary for | 24, IX |
| Secretary, Office of | 24, Subtitle A, VII |
| Housing—Federal Housing Commissioner, Office of Assistant Secretary for | 24, II, VIII, X, XX |
| Housing, Office of, and Multifamily Housing Assistance Restructuring, Office of | 24, IV |
| Human Development Services, Office of | 45, XIII |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Immigration and Customs Enforcement Bureau | 19, IV |
| Immigration and Naturalization | 8, I |
| Immigration Review, Executive Office for | 8, V |
| Independent Counsel, Office of | 28, VII |
| Indian Affairs, Bureau of | 25, I, V |
| Indian Affairs, Office of the Assistant Secretary | 25, VI |
| Indian Arts and Crafts Board | 25, II |
| Indian Health Service | 25, V |
| Industry and Security, Bureau of | 15, VII |
| Information Resources Management, Office of | 7, XXVII |
| Information Security Oversight Office, National Archives and Records Administration | 32, XX |
| Inspector General | |
| Agriculture Department | 7, XXVI |
| Health and Human Services Department | 42, V |
| Housing and Urban Development Department | 24, XII, XV |
| Institute of Peace, United States | 22, XVII |
| Inter-American Foundation | 5, LXIII; 22, X |
| Interior Department | 2, XIV |
| American Indians, Office of the Special Trustee | 25, VII |
| Bureau of Ocean Energy Management, Regulation, and Enforcement | 30, II |
| Endangered Species Committee | 50, IV |
| Federal Acquisition Regulation | 48, 14 |
| Federal Property Management Regulations System | 41, 114 |
| Fish and Wildlife Service, United States | 50, I, IV |
| Geological Survey | 30, IV |
| Indian Affairs, Bureau of | 25, I, V |
| Indian Affairs, Office of the Assistant Secretary | 25, VI |
| Indian Arts and Crafts Board | 25, II |
| Land Management, Bureau of | 43, II |
| National Indian Gaming Commission | 25, III |
| National Park Service | 36, I |
| Natural Resource Revenue, Office of | 30, XII |
| Ocean Energy Management, Bureau of | 30, V |
| Reclamation, Bureau of | 43, I |
| Secretary of the Interior, Office of | 2, XIV; 43, Subtitle A |
| Surface Mining Reclamation and Enforcement, Office of | 30, VII |
| Internal Revenue Service | 26, I |
| International Boundary and Water Commission, United States and Mexico, United States Section | 22, XI |
| International Development, United States Agency for | 22, II |
| Federal Acquisition Regulation | 48, 7 |
| International Development Cooperation Agency, United States | 22, XII |
| International Joint Commission, United States and Canada | 22, IV |
| International Organizations Employees Loyalty Board | 5, V |
| International Trade Administration | 15, III; 19, III |
| International Trade Commission, United States | 19, II |
| Interstate Commerce Commission | 5, XL |
| Investment Security, Office of | 31, VIII |
| James Madison Memorial Fellowship Foundation | 45, XXIV |
| Japan–United States Friendship Commission | 22, XVI |
| Joint Board for the Enrollment of Actuaries | 20, VIII |
| Justice Department | 2, XXVIII; 5, XXVIII; 28, I, XI; 40, IV |
| Alcohol, Tobacco, Firearms, and Explosives, Bureau of | 27, II |
| Drug Enforcement Administration | 21, II |
| Federal Acquisition Regulation | 48, 28 |
| Federal Claims Collection Standards | 31, IX |
| Federal Prison Industries, Inc. | 28, III |
| Foreign Claims Settlement Commission of the United States | 45, V |
| Immigration Review, Executive Office for | 8, V |
| Offices of Independent Counsel | 28, VI |
| Prisons, Bureau of | 28, V |
| Property Management Regulations | 41, 128 |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Labor Department | 5, XLII |
| Employee Benefits Security Administration | 29, XXV |
| Employees' Compensation Appeals Board | 20, IV |
| Employment and Training Administration | 20, V |
| Employment Standards Administration | 20, VI |
| Federal Acquisition Regulation | 48, 29 |
| Federal Contract Compliance Programs, Office of | 41, 60 |
| Federal Procurement Regulations System | 41, 50 |
| Labor-Management Standards, Office of | 29, II, IV |
| Mine Safety and Health Administration | 30, I |
| Occupational Safety and Health Administration | 29, XVII |
| Office of Workers' Compensation Programs | 20, VII |
| Public Contracts | 41, 50 |
| Secretary of Labor, Office of | 29, Subtitle A |
| Veterans' Employment and Training Service, Office of the Assistant Secretary for | 41, 61; 20, IX |
| Wage and Hour Division | 29, V |
| Workers' Compensation Programs, Office of | 20, I |
| Labor-Management Standards, Office of | 29, II, IV |
| Land Management, Bureau of | 43, II |
| Legal Services Corporation | 45, XVI |
| Library of Congress | 36, VII |
| Copyright Office | 37, II |
| Copyright Royalty Board | 37, III |
| Local Television Loan Guarantee Board | 7, XX |
| Management and Budget, Office of | 5, III, LXXVII; 14, VI; 48, 99 |
| Marine Mammal Commission | 50, V |
| Maritime Administration | 46, II |
| Merit Systems Protection Board | 5, II, LXIV |
| Micronesian Status Negotiations, Office for | 32, XXVII |
| Millennium Challenge Corporation | 22, XIII |
| Mine Safety and Health Administration | 30, I |
| Minority Business Development Agency | 15, XIV |
| Miscellaneous Agencies | 1, IV |
| Monetary Offices | 31, I |
| Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation | 36, XVI |
| Museum and Library Services, Institute of | 2, XXXI |
| National Aeronautics and Space Administration | 2, XVIII; 5, LIX; 14, V |
| Federal Acquisition Regulation | 48, 18 |
| National Agricultural Library | 7, XLI |
| National Agricultural Statistics Service | 7, XXXVI |
| National and Community Service, Corporation for | 2, XXII; 45, XII, XXV |
| National Archives and Records Administration | 2, XXVI; 5, LXVI; 36, XII |
| Information Security Oversight Office | 32, XX |
| National Capital Planning Commission | 1, IV |
| National Commission for Employment Policy | 1, IV |
| National Commission on Libraries and Information Science | 45, XVII |
| National Council on Disability | 34, XII |
| National Counterintelligence Center | 32, XVIII |
| National Credit Union Administration | 12, VII |
| National Crime Prevention and Privacy Compact Council | 28, IX |
| National Drug Control Policy, Office of | 21, III |
| National Endowment for the Arts | 2, XXXII |
| National Endowment for the Humanities | 2, XXXIII |
| National Foundation on the Arts and the Humanities | 45, XI |
| National Highway Traffic Safety Administration | 23, II, III; 47, VI; 49, V |
| National Imagery and Mapping Agency | 32, I |
| National Indian Gaming Commission | 25, III |
| National Institute for Literacy | 34, XI |
| National Institute of Food and Agriculture | 7, XXXIV |
| National Institute of Standards and Technology | 15, II |
| National Intelligence, Office of Director of | 32, XVII |
| National Labor Relations Board | 5, LXI; 29, I |
| National Marine Fisheries Service | 50, II, IV |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| National Mediation Board | 29, X |
| National Oceanic and Atmospheric Administration | 15, IX; 50, II, III, IV, VI |
| National Park Service | 36, I |
| National Railroad Adjustment Board | 29, III |
| National Railroad Passenger Corporation (AMTRAK) | 49, VII |
| National Science Foundation | 2, XXV; 5, XLIII; 45, VI |
| Federal Acquisition Regulation | 48, 25 |
| National Security Council | 32, XXI |
| National Security Council and Office of Science and Technology Policy | 47, II |
| National Telecommunications and Information Administration | 15, XXIII; 47, III, IV |
| National Transportation Safety Board | 49, VIII |
| Natural Resources Conservation Service | 7, VI |
| Natural Resource Revenue, Office of | 30, XII |
| Navajo and Hopi Indian Relocation, Office of | 25, IV |
| Navy Department | 32, VI |
| Federal Acquisition Regulation | 48, 52 |
| Neighborhood Reinvestment Corporation | 24, XXV |
| Northeast Interstate Low-Level Radioactive Waste Commission | 10, XVIII |
| Nuclear Regulatory Commission | 2, XX; 5, XLVIII; 10, I |
| Federal Acquisition Regulation | 48, 20 |
| Occupational Safety and Health Administration | 29, XVII |
| Occupational Safety and Health Review Commission | 29, XX |
| Ocean Energy Management, Bureau of | 30, V |
| Offices of Independent Counsel | 28, VI |
| Office of Workers' Compensation Programs | 20, VII |
| Oklahoma City National Memorial Trust | 36, XV |
| Operations Office | 7, XXVIII |
| Overseas Private Investment Corporation | 5, XXXIII; 22, VII |
| Patent and Trademark Office, United States | 37, I |
| Payment From a Non-Federal Source for Travel Expenses | 41, 304 |
| Payment of Expenses Connected With the Death of Certain Employees | 41, 303 |
| Peace Corps | 2, XXXVII; 22, III |
| Pennsylvania Avenue Development Corporation | 36, IX |
| Pension Benefit Guaranty Corporation | 29, XL |
| Personnel Management, Office of | 5, I, XXXV; 45, VIII |
| Human Resources Management and Labor Relations Systems, Department of Homeland Security | 5, XCVII |
| Federal Acquisition Regulation | 48, 17 |
| Federal Employees Group Life Insurance Federal Acquisition Regulation | 48, 21 |
| Federal Employees Health Benefits Acquisition Regulation | 48, 16 |
| Pipeline and Hazardous Materials Safety Administration | 49, I |
| Postal Regulatory Commission | 5, XLVI; 39, III |
| Postal Service, United States | 5, LX; 39, I |
| Postsecondary Education, Office of | 34, VI |
| President's Commission on White House Fellowships | 1, IV |
| Presidential Documents | 3 |
| Presidio Trust | 36, X |
| Prisons, Bureau of | 28, V |
| Procurement and Property Management, Office of | 7, XXXII |
| Productivity, Technology and Innovation, Assistant Secretary | 37, IV |
| Public Contracts, Department of Labor | 41, 50 |
| Public and Indian Housing, Office of Assistant Secretary for | 24, IX |
| Public Health Service | 42, I |
| Railroad Retirement Board | 20, II |
| Reclamation, Bureau of | 43, I |
| Recovery Accountability and Transparency Board | 4, II |
| Refugee Resettlement, Office of | 45, IV |
| Relocation Allowances | 41, 302 |
| Research and Innovative Technology Administration | 49, XI |
| Rural Business-Cooperative Service | 7, XVIII, XLII, L |
| Rural Development Administration | 7, XLII |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Rural Housing Service | 7, XVIII, XXXV, L |
| Rural Telephone Bank | 7, XVI |
| Rural Utilities Service | 7, XVII, XVIII, XLII, L |
| Saint Lawrence Seaway Development Corporation | 33, IV |
| Science and Technology Policy, Office of | 32, XXIV |
| Science and Technology Policy, Office of, and National Security Council | 47, II |
| Secret Service | 31, IV |
| Securities and Exchange Commission | 5, XXXIV; 17, II |
| Selective Service System | 32, XVI |
| Small Business Administration | 2, XXVII; 13, I |
| Smithsonian Institution | 36, V |
| Social Security Administration | 2, XXIII; 20, III; 48, 23 |
| Soldiers' and Airmen's Home, United States | 5, XI |
| Special Counsel, Office of | 5, VIII |
| Special Education and Rehabilitative Services, Office of | 34, III |
| Special Inspector General for Iraq Reconstruction | 5, LXXXVII |
| State Department | 2, VI; 22, I; 28, XI |
| Federal Acquisition Regulation | 48, 6 |
| Surface Mining Reclamation and Enforcement, Office of | 30, VII |
| Surface Transportation Board | 49, X |
| Susquehanna River Basin Commission | 18, VIII |
| Technology Administration | 15, XI |
| Technology Policy, Assistant Secretary for | 37, IV |
| Technology, Under Secretary for | 37, V |
| Tennessee Valley Authority | 5, LXIX; 18, XIII |
| Thrift Supervision Office, Department of the Treasury | 12, V |
| Trade Representative, United States, Office of | 15, XX |
| Transportation, Department of | 2, XII; 5, L |
| Commercial Space Transportation | 14, III |
| Contract Appeals, Board of | 48, 63 |
| Emergency Management and Assistance | 44, IV |
| Federal Acquisition Regulation | 48, 12 |
| Federal Aviation Administration | 14, I |
| Federal Highway Administration | 23, I, II |
| Federal Motor Carrier Safety Administration | 49, III |
| Federal Railroad Administration | 49, II |
| Federal Transit Administration | 49, VI |
| Maritime Administration | 46, II |
| National Highway Traffic Safety Administration | 23, II, III; 47, IV; 49, V |
| Pipeline and Hazardous Materials Safety Administration | 49, I |
| Saint Lawrence Seaway Development Corporation | 33, IV |
| Secretary of Transportation, Office of | 14, II; 49, Subtitle A |
| Surface Transportation Board | 49, X |
| Transportation Statistics Bureau | 49, XI |
| Transportation, Office of | 7, XXXIII |
| Transportation Security Administration | 49, XII |
| Transportation Statistics Bureau | 49, XI |
| Travel Allowances, Temporary Duty (TDY) | 41, 301 |
| Treasury Department | 5, XXI; 12, XV; 17, IV; 31, IX |
| Alcohol and Tobacco Tax and Trade Bureau | 27, I |
| Community Development Financial Institutions Fund | 12, XVIII |
| Comptroller of the Currency | 12, I |
| Customs and Border Protection | 19, I |
| Engraving and Printing, Bureau of | 31, VI |
| Federal Acquisition Regulation | 48, 10 |
| Federal Claims Collection Standards | 31, IX |
| Federal Law Enforcement Training Center | 31, VII |
| Financial Crimes Enforcement Network | 31, X |
| Fiscal Service | 31, II |
| Foreign Assets Control, Office of | 31, V |
| Internal Revenue Service | 26, I |
| Investment Security, Office of | 31, VIII |
| Monetary Offices | 31, I |
| Secret Service | 31, IV |
| Secretary of the Treasury, Office of | 31, Subtitle A |

| Agency | CFR Title, Subtitle or Chapter |
|---|---|
| Thrift Supervision, Office of | 12, V |
| Truman, Harry S. Scholarship Foundation | 45, XVIII |
| United States and Canada, International Joint Commission | 22, IV |
| United States and Mexico, International Boundary and Water Commission, United States Section | 22, XI |
| Utah Reclamation Mitigation and Conservation Commission | 43, III |
| Veterans Affairs Department | 2, VIII; 38, I |
| Federal Acquisition Regulation | 48, 8 |
| Veterans' Employment and Training Service, Office of the Assistant Secretary for | 41, 61; 20, IX |
| Vice President of the United States, Office of | 32, XXVIII |
| Vocational and Adult Education, Office of | 34, IV |
| Wage and Hour Division | 29, V |
| Water Resources Council | 18, VI |
| Workers' Compensation Programs, Office of | 20, I |
| World Agricultural Outlook Board | 7, XXXVIII |

# List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations that were made by documents published in the FEDERAL REGISTER since January 1, 2001, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for chapters and parts as well as sections for revisions.

For the period before January 1, 2001, see the ''List of CFR Sections Affected, 1949–1963, 1964–1972, 1973–1985, and 1986–2000,'' published in 11 separate volumes.

## 2001

### 7 CFR

66 FR Page

Chapter X

1007.7 (c) correctly revised; CFR correction ..... 54909

## 2002

### 7 CFR

67 FR Page

Chapter X

1030.7 (g) amended; interim ..... 19508
1030.13 Introductory text revised; (d)(3) redesignated as (d)(4); new (d)(3) and (e) added; interim ..... 19508
1033.7 (c)(i)(iii), (e) introductory text and (h)(6) amended; (c)(1)(iv) and (h)(7) removed; (c)(2), (4) and (d)(2) revised; interim ..... 48744
1033.13 (d)(3) through (6) redesignated as (d)(4) through (7); (d)(2) and new (d)(4) revised; new (d)(3) added; interim ..... 48744
1124.7 (c)(2) and (3) removed; (c)(4) redesignated as (c)(2); (d) and (f) added; (g) revised; interim ..... 69669
1124.13 (e)(1) through (5) redesignated as (e)(2) through (6); new (e)(1) added; new (e)(2), (5) and (6) revised; interim ..... 69669
1160.107 Revised ..... 49858
1160.108 (a) revised; (b) and (c) amended ..... 49858

## 2003

### 7 CFR

68 FR Page

Chapter X

1000.40 (c)(1)(ii) added; (d)(1)(i) revised ..... 7064
1000.50 Introductory text amended; (a), (b), (c) (g), (h), (j), (l) through (p)(1) and (q)(3) revised; (q)(4) removed ..... 7064
1000.52 Table amended ..... 48771
1001.60 (c)(3), (d)(2) and (h) revised ..... 7065
1001.61 Revised ..... 7065
1001.62 (e) and (g) revised ..... 7065
1001.71 (b)(2) and (3) revised ..... 7066
1001.73 (a)(2)(ii) and (b)(3)(vi) revised ..... 7066
1030.7 Regulation at 67 FR 19508 confirmed ..... 50687
1030.13 Regulations at 67 FR 19508 confirmed ..... 50687
1030.60 (c)(3), (d)(2) and (i) revised ..... 7066
1030.61 Revised ..... 7066
1030.62 (e) and (h) revised ..... 7066
(h) corrected ..... 13618
1030.71 (b)(2) and (4) revised ..... 7066
1030.73 (a)(2)(ii), (c)(2)(v) and (3)(ii) revised ..... 7066
1032.2 Amended ..... 48771
1032.7 (c) introductory text, (1) and (2) revised; (c)(4) removed; (c)(5) redesignated as (c)(4); new (c)(5) added; interim ..... 7072
Regulation at 68 FR 7072 confirmed ..... 66699

## 7 CFR—Continued

68 FR Page

Chapter X—Continued
1032.13 (d)(2) revised; (d)(3), (4) and (5) redesignated as (d)(4), (5) and (6); new (d)(3) and (e) added; interim ..... 7072
Regulation at 68 FR 7072 confirmed ..... 66699
1032.60 (c)(3), (d)(2) and (i) revised ..... 7067
1032.61 Revised ..... 7067
1032.62 (e) and (h) revised ..... 7067
1032.71 (b)(2) and (4) revised ..... 7067
1032.73 (a)(2)(ii), (c)(2)(v) and (3)(ii) revised ..... 7067
1033.60 (c)(3), (d)(2) and (i) revised ..... 7067
1033.61 Revised ..... 7067
1033.62 (e) and (h) revised ..... 7068
1033.71 (b)(2) and (4) revised ..... 7068
1033.73 (a)(2)(ii) and (b)(3)(v) revised ..... 7068
1124.60 (c)(3), (d)(2) and (h) revised ..... 7068
1124.61 Revised ..... 7068
1124.62 (e) and (g) revised ..... 7069
1124.71 (b)(2) and (3) revised ..... 7069
1124.73 (a)(2)(ii), (c)(2)(v) and (3)(ii) revised ..... 7069
1126.60 (c)(3), (d)(2) and (i) revised ..... 7069
1126.61 Revised ..... 7069
1126.62 (e) and (h) revised ..... 7069
1126.71 (b)(2) and (4) revised ..... 7069
1126.73 (a)(2)(ii) and (b)(3)(v) revised ..... 7069
1135.60 (c)(3), (d)(2) and (h) revised ..... 7070
1135.61 Revised ..... 7070
1135.62 (e) and (g) revised ..... 7070
1135.71 (b)(2) revised; (b)(3) removed ..... 7070
1135.73 (a)(2)(ii) and (b)(3)(v) revised ..... 7070
1150.131 (a)(1), (2), (5) and (10) revised ..... 52336

## 2004

## 7 CFR

69 FR Page

Title 7 Nomenclature change ..... 18803

Subtitle A
Chapter X
1000.40 (c)(1)(ii) revised; (c)(1)(iii) removed; (d)(1)(ii) redesignated as (d)(1)(iii); new (d)(1)(ii) added; interim ..... 21952

## 7 CFR—Continued

69 FR Page

Chapter X—Continued
Regulation at 69 FR 21952 confirmed ..... 68767
1005.60 (a) revised; (g) added ..... 71699
1006.60 (a) revised; (g) added ..... 71700
1007.60 (a) revised; (g) added ..... 71700
1033.7 Regulation at 67 FR 48744 confirmed; (d)(2) amended ..... 34555
1033.13 Regulation at 67 FR 48744 confirmed; (d)(7) amended ..... 34555
1124.7 Regulation at 67 FR 69669 confirmed ..... 34913
1124.13 Introductory text revised; (f) added; interim ..... 1655
Regulation at 67 FR 69669 confirmed ..... 34913
1135.2—1135.86 Undesignated center headings and sections removed ..... 8328

## 2005

## 7 CFR

70 FR Page

Chapter X
1001.7 (c)(1), (2), (e)(1) and (2) revised; (c)(3) and (h)(7) removed; (c)(4) and (5) redesignated as (c)(3) and (4); (h)(5) and (6) amended ..... 18962
1001.13 (d)(1) revised; (d)(2) redesignated as (d)(3); new (d)(2), (4), (5) and (e) added ..... 18962
1001.30 Introductory text revised ..... 18963
1001.62 Introductory text revised; (h) added ..... 18963
1001.71 Introductory text revised ..... 18963
1001.72 Revised ..... 18963
1001.73 (a)(2) introductory text and (e) introductory text revised ..... 18963
1005.2 Amended ..... 59223
1005.13 Introductory text revised; (e) added ..... 59223
1005.81 (a) amended ..... 59223
1005.82 (b) amended; (c)(2)(iv) added ..... 59223
1007.13 Introductory text revised; (e) added ..... 59223
1007.81 (a) amended ..... 59223
1007.82 (b) amended; (c)(2)(iv) added ..... 59223
1030.7 (c)(2) revised; interim ..... 31322
Regulation at 70 FR 31322 eff. 2–1–06 ..... 73128

## 7 CFR—Continued

70 FR Page

Chapter X—Continued
1030.13 (d) introductory text revised; interim ..... 31322
Regulation at 70 FR 31322 eff. 2–1–06 ..... 73128
1030.55 (a)(2) revised; interim ..... 31322
Regulation at 70 FR 31322 eff. 2–1–06 ..... 73128
1033.7 (c) introductory text, (d) introductory text, (2) and (e)(1) revised; interim ..... 56112
1033.13 (d)(4) revised; (e) added; interim ..... 56113
1124.13 Regulation at 69 FR 1655 confirmed ..... 18965
1131.13 (e) added; interim ..... 9848
Regulation at 70 FR 9848 confirmed ..... 70992
1150 Authority citation revised ..... 2753
1150.156 (b) amended ..... 29579
1150.157 Added ..... 2753
1160 Authority citation revised ..... 2753
Policy statement ..... 11535
1160.200 (a) revised ..... 14975
1160.211 (a)(1) revised ..... 2753
1160.214 (b) amended ..... 29579
1160.215 Added ..... 2754

# 2006

## 7 CFR

71 FR Page

Chapter X
1000 Authority citation revised; eff. 2–1–07; interim ..... 78334
1000.50 (l), (m), (n)(2), (3)(i), (o) and (q)(3) revised; eff. 2–1–07; interim ..... 78334
1001 Authority citation revised ..... 25497
Authority citation revised; eff. 2–1–07; interim ..... 78334
1001.7 (d) added ..... 25497
(d) introductory text revised ..... 28249
1001.10 (f) added ..... 25497
1005 Authority citation revised ..... 25497, 62378
Authority citation revised; eff. 2–1–07; interim ..... 78334
1005.7 Introductory text revised; (g) redesignated as (h); new (g) added ..... 25497
(g) introductory text revised ..... 28249
1005.10 (e) added ..... 25498
1005.13 (d)(3) and (4) revised; interim ..... 62378

## 7 CFR—Continued

71 FR Page

Chapter X—Continued
1005.81 Revised; interim ..... 62379
1005.82 (d)(2)(ii) and (3)(iv) revised; interim ..... 62379
1005.83 Added; interim ..... 62379
1006 Authority citation revised ..... 25497
Authority citation revised; eff. 2–1–07; interim ..... 78334
1006.7 Introductory text revised; (h) added ..... 25498
(h) introductory text revised ..... 28249
1006.10 (e) added ..... 25498
1007 Authority citation revised ..... 25497, 62378
Authority citation revised; eff. 2–1–07; interim ..... 78334
1007.7 Introductory text revised; (h) added ..... 25497
(h) introductory text revised ..... 28249
1007.10 (e) added ..... 25499
1007.13 (d)(3) and (4) revised; interim ..... 62379
1007.81 Revised; interim ..... 62379
1007.82 (d)(2)(ii) and (3)(iv) revised; interim ..... 62380
1007.83 Added; interim ..... 62380
1030 Authority citation revised ..... 25497, 63214
Authority citation revised; eff. 2–1–07; interim ..... 78334
1030.7 (c)(1)(i) and (2) revised; (d) added ..... 25499
(d) introductory text revised ..... 28249
1030.10 (f) added ..... 25499
1030.13 (d)(3) revised ..... 25499
(f) added ..... 63214
1030.55 (a) and (b) revised ..... 25499
1030.85 Revised ..... 63215
1032 Authority citation revised ..... 25497, 63216
Authority citation revised; eff. 2–1–07; interim ..... 78334
1032.7 Introductory text revised; (i) added ..... 25500
(i) introductory text revised ..... 28249
(c) introductory text and (h)(7) revised ..... 63216
1032.10 (f) added ..... 25500
1032.13 (d)(2) and (3) revised ..... 25500
(d)(2) through (6) redesignated as (d)(4) through (8); new (d)(2), (3) and (f) added; (d)(1) and new (4) revised ..... 63217
1033 Authority citation revised ..... 25497, 63219

## 7 CFR—Continued

71 FR Page

Chapter X—Continued
Authority citation revised; eff. 2–1–07; interim ..... 78334
1033.7 Regulation at 70 FR 56112 confirmed ..... 20336
Introductory text revised; (j) added ..... 25500
(j) introductory text revised ..... 28249
1033.10 (f) added ..... 25500
1033.13 Regulation at 70 FR 56113 confirmed ..... 20336
(f) added ..... 63219
1124 Authority citation revised ..... 25497
Authority citation revised; eff. 2–1–07; interim ..... 78334
1124.7 (d) introductory text and (1) revised; (e) added ..... 25501
(e) introductory text revised ..... 28249
1124.10 Revised ..... 9432
(f) added ..... 25501
1126 Authority citation revised ..... 25497
Authority citation revised; eff. 2–1–07; interim ..... 78334
1126.7 Introductory text revised; (h) added ..... 25501
(h) introductory text revised ..... 28249
1126.10 (f) added ..... 25501
1131 Authority citation revised ..... 25497
Authority citation revised; eff. 2–1–07; interim ..... 78334
Heading revised ..... 28249
1131.2 Revised ..... 25502
Heading revised ..... 28249
1131.7 (d) introductory text and (1) revised; (h) added ..... 25502
(h) introductory text revised ..... 28249
1131.10 Revised ..... 9433
(f) added ..... 25502

## 2007

## 7 CFR

72 FR Page

Chapter X
1170 Added; interim ..... 36343
Regulation at 72 FR 36343 comment period reopened; interim ..... 62105

## 2008

## 7 CFR

73 FR Page

Chapter X
1000 Policy statement ..... 78917

## 7 CFR—Continued

73 FR Page

Chapter X—Continued
1000.50 (b) and (c) revised; interim ..... 14155
(l), (m), (n)(2), (3)(i), (o) and (q)(3) revised; interim ..... 44619
Regulation at 73 FR 44619 eff. date delayed to 10–1–08; interim ..... 51352
1001 Policy statement ..... 78917
1005 Policy statement ..... 78917
1005.13 (d)(1) through (4) revised; interim ..... 14156
(d)(3) and (4) correctly revised ..... 26315
1005.51 Revised; interim ..... 14156
1005.81 (a) revised; interim ..... 14161
1005.82 (c)(2)(i) removed; (c)(2)(ii), (iii) and (iv) redesignated as new (c)(2)(i), (ii) and (iii); (a)(1), (b), (c)(1), new (2)(i), new (iii), (d)(2)(iii) and (3)(v) revised ..... 14161
1006 Policy statement ..... 78917
1006.51 Revised; interim ..... 14161
1007 Policy statement ..... 78917
1007.13 (d)(1) through (4) revised; interim ..... 14162
(d)(3) and (4) correctly revised ..... 26315
1007.51 Revised; interim ..... 14163
1007.81 (a) revised; interim ..... 14171
1007.82 (c)(2)(i) removed; (c)(2)(ii), (iii) and (iv) redesignated as new (c)(2)(i), (ii) and (iii); (a)(1), (b), (c)(1), new (2)(i), new (iii), (d)(2)(iii) and (3)(v) revised; interim ..... 14171
1030 Policy statement ..... 78917
1032 Policy statement ..... 78917
1033 Policy statement ..... 78917
1124 Policy statement ..... 78917
1126 Policy statement ..... 78917
1131 Policy statement ..... 78917
1140 Removed ..... 64871
1145 Added ..... 64871
1150 Policy statement ..... 19959
1150.131 (a)(1) through (4), (11) and (12) revised ..... 56451
1160.213 Revised ..... 29390
1170 Revised ..... 34181

## 2009

No regulations were published during this year.

## 2010

### 7 CFR

75 FR Page

Chapter X

1000.15 (a) and (b)(1) revised ..... 51931
1000.40 (b)(2)(iii) and (vi) revised ..... 51931
1000.43 (c) revised ..... 51931
1001.10 (a) revised ..... 21160
1005.10 (a) revised ..... 21160
1006.10 (a) revised ..... 21160
1007.10 (a) revised ..... 21160
1030.10 (a) revised ..... 21160
1032.10 (a) revised ..... 21160
1033.10 (a) revised ..... 21160
1124.10 Introductory text revised ..... 21160
1126.10 (a) revised ..... 21161
1131.10 Introductory text revised ..... 21161
1170.16 (c) amended ..... 17561

## 2011

### 7 CFR

76 FR Page

Chapter X

1150 Dairy Board nominations ..... 26930

### 7 CFR—Continued

76 FR Page

Chapter X—Continued

1150.106 Revised ..... 14787
1150.109 Revised ..... 14788
1150.111 Revised ..... 14788
1150.120 Added ..... 14788
1150.121 Added ..... 14788
1150.122 Added ..... 14788
1150.131 Revised ..... 14788
(b) introductory text, (1), (2), (3), (8), (10) and (12) revised; (b)(13) removed ..... 80216
1150.132 (a) revised ..... 14788
1150.133 (a), (c) and (d) revised; (e) added ..... 14788
1150.134 Introductory text and (b) revised ..... 14789
1150.135 Revised ..... 14789
1150.139 (e) revised ..... 14789
1150.140 (b) and (n) revised ..... 14789
1150.151 (c) added ..... 14789
1150.152 Revised ..... 14789
1150.153 Heading, (a) and (b)(2) through (5) revised; (c) introductory text, (2) and (i) through (iv) amended ..... 14791
1150.155 Revised ..... 14791
1150.156 (a) revised ..... 14791
1150.157 Revised ..... 14792
1150.171 Revised ..... 14792
1150.172 Revised ..... 14792
1150.187 Revised ..... 14793