DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1245


RIN 0581–AC78

U.S. Honey Producer Research, Promotion, and Consumer Information Order; Termination of Referendum Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Agriculture Marketing Service (AMS) is removing from the Code of Federal Regulations (CFR) referendum procedures for the proposed U.S. Honey Producer Research, Promotion, and Consumer Information Order (Proposed Order). The Proposed Order was not approved during referendum and thus was not implemented. Therefore, referendum procedures for this Proposed Order are no longer necessary and the part is removed in its entirety.

DATES: Effective Date: The rule will be effective on May 16, 2011, without further action, unless adverse comments or written notice of intent to submit adverse comments are received on or before April 15, 2011. If adverse comments or written notice of intent to submit adverse comments are received, AMS will publish a document in the Federal Register withdrawing this rule before the effective date.

ADDRESSES: You may submit comments or written notice of intent to submit adverse comments on the Internet at http://www.regulations.gov or to the Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., Stop 0244, Room 0632–S, Washington, DC 20250–0244; fax: (202) 205–2800. All comments should reference the docket number and the date and page number of this issue of the Federal Register and will be made available for public inspection in the above office during regular business hours or can be viewed at http://www.regulations.gov. All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Kimberly Coy, Marketing Specialist, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Stop 0244, Room 0634–S, 1400 Independence Ave., SW., Washington, DC 20250–0244; telephone (202) 720–9915 or (888)720–9917 (toll free), Fax: (202) 205–2800 or e-mail kimberly.coy@ams.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

The Proposed Order was authorized by the Commodity Promotion, Research, and Information Act of 1996 (1996 Act) (7 U.S.C. 7411–7425). The Proposed Order was published in the Federal Register on July 14, 2009 [74 FR 34182] with request for comments, and then again on April 12, 2010 [75 FR 18430] to announce a referendum. The Department conducted an initial referendum from May 17, 2010 through June 4, 2010 to ascertain whether the persons to be covered by and assessed under the Proposed Order favored the Order prior to it going into effect. To be eligible to vote, producers must have produced 100,000 or more pounds of honey from January 1, 2008 through December 31, 2008. The Proposed Order would have been implemented if approved by a majority of the producers voting in the referendum, which also represented a majority of the volume of U.S. honey produced during the representative period by those voting in the referendum. In the referendum, 41 percent of those who voted—representing 52 percent of the voted volume of U.S. honey—voted against implementation of the Order. Therefore, the Proposed Order failed by vote.

Accordingly based upon the referendum results, a rule withdrawing the proposed rule and referendum order was published in the Federal Register on November 9, 2010 [75 FR 68728]. However, final referendum procedures were published in the Federal Register on April 12, 2010, [75 FR 18396] and added to 7 CFR part 1245 in Subpart B, along with reserved Subpart A. This action is needed to remove 7 CFR part 1245 from the CFR since the program was never implemented. This document provides for the removal of 7 CFR 1245 in its entirety.

Direct Final Action


Pursuant to 5 U.S.C. 553, it is found and determined upon good cause that it is impracticable, unnecessary, and contrary to public interest to give preliminary notice prior to putting this rule in effect because the initial referendum conducted by AMS for the Proposed Order was not approved during referendum and thus was not implemented. Further, AMS views this action as noncontroversial and anticipates no adverse public comment. This rule will be effective, as published in this document, May 16, 2011, without further action, unless AMS receives adverse comments or written notice of intent to submit adverse comments on or before April 15, 2011. Adverse comments are considered to be those comments that suggest the rule should not be adopted or suggest the rule should be changed.

If AMS receives adverse comments or written notice of intent to submit adverse comments, we will publish a document in the Federal Register withdrawing this rule before the effective date. AMS will then publish a proposed rule for public comment. Following the close of that comment period, the comments will be considered, and a final rule addressing the comments will be published.

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by OMB.

Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601–612], the Department is required to examine the impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be disproportionately burdened. The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $7.0 million or less. Using these criteria, under the Proposed Order, most producers and handlers would be considered small businesses. Pursuant to the requirements set forth in the RFA, it has been determined that this rule will not have an adverse economic impact on entities small or large. The Proposed Order was never implemented. No additional cost or burden is expected to result from this action.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection requirements being terminated were
DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2011–0080]

Drawbridge Operation Regulation; Grassy Sound Channel, Middle Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Fifth Coast Guard District, has issued a temporary deviation from the regulations governing the operation of the Grassy Sound Channel Bridge across the Grassy Sound Channel, mile 1.0, at Middle Township, NJ. The deviation is necessary to facilitate the cleaning and painting of the structure. This deviation allows the bridge to remain closed for the entirety of the deviation period.

DATES: This deviation is effective from 5 a.m. on March 1, 2011 to 5 p.m. on April 30, 2011.

ADDRESSES: Documents mentioned in this preamble as being available in the docket are part of docket USCG–2011–0080 and are available online by going to http://www.regulations.gov, inserting USCG–2011–0080 in the “Keyword” box and then clicking “Search”. They are also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail Mr. Terrance A. Knowles, Environmental Protection Specialist, Fifth District; Coast Guard; telephone 757–398–6587, e-mail Terrance.A.Knowles@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The Cape May County Bridge Commission (CMCBC), who owns and operates this bascule drawbridge, has requested a temporary deviation from the current operating schedule to facilitate the cleaning and painting of the bridge structure. Under the regular operating schedule required by 33 CFR 117.721, the draw of the bridge shall open on signal from 6 a.m. to 8 p.m., from May 15 through September 30. From 9:15 a.m. to 2:30 p.m. on the fourth Sunday in March of every year, the draw need not open for vessels. If the fourth Sunday falls on a religious holiday, the draw need not open from 9:15 a.m. to 2:30 p.m. on the third Sunday of March of every year. Two hours advance notice is required for all other openings by calling (609) 368–4591.

The Grassy Sound Channel Bridge, mile 1.0, in Middle Township NJ, has a vertical clearance in the closed position of 15 feet above mean high water. Vessels that can transit under the bridge without an opening may do so at any time. Under this temporary deviation, CMCBC will maintain the bridge in the closed position to vessels beginning at 5 a.m. on March 1, 2011 through 5 p.m. on April 30, 2011.

Historically, in the last two years, the bridge has not opened during the months of March and April.

The Coast Guard will inform users of the waterway through our Local and Broadcast Notices to Mariners of the closure periods for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

The drawbridge will open in the event of an emergency. Vessels that can pass under the bridge without a bridge opening may do so at all times. Vessels have an alternate route by transiting through the nearby Great Channel drawbridge, a detour of approximately two miles.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.


Waverly W. Gregory, Jr.,
Chief, Bridge Administration Branch, Fifth Coast Guard District.

[FR Doc. 2011–6072 Filed 3–15–11; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2011–0117]

RIN 1625–AA00

Safety Zone; Todd Pacific Shipyards Vessel Roll-Out, West Duwamish Waterway, Seattle, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

PART 1245—[Removed]