

Some commenters did not recommend that NOP adopt a new labeling scheme, but instead advised that the organic regulations require grass-fed claims on organic meat products to adhere to the AMS grass-fed standard. Furthermore, these commenters requested that the NOP facilitate a means to obtain organic certification and grass-fed verification simultaneously via the certifying agent of the certified operation. Other commenters advised that grass-fed label claims are not and should not be within the purview of NOP. Each producer, they stated, can elect to pursue claims, such as grass-fed, in addition to and separate from organic certification.

We do not believe it is practical for the NOP to undertake the labeling scheme recommended by some commenters. The existing NOP regulations do not preclude producers from consulting with the USDA Food Safety and Inspection Service (FSIS) about the possibility of modeling their labels upon the scheme described by the commenters. It is important to note that organic producers may request verification for a "Grass Fed" label claim through the AMS grass-fed process verified standard at any time. In addition, the NOP identified what would be required for certifying agents who certify organic to offer "Grass Fed" verification under their accreditation scope. The certifying agent would need to be approved under the ISO Guide 65 program for organics, request an expansion of their accreditation to include "Grass Fed" through AMS Audit, Review, and Compliance (ARC) Services, and engage in a review of the process at their next onsite audit with ARC. We encourage certifiers to contact the NOP for additional information if they are interested in pursuing this option.

Dated: April 28, 2011.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1150

[Document No. DA-11-03: AMS-DA-08-0050]

Dairy Promotion and Research Program; Importer Nominations to the Dairy Promotion and Research Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Rule.

SUMMARY: This action is pursuant to the Dairy Production Stabilization Act of 1983 (Dairy Act), as amended, and the Dairy Promotion and Research Order (Dairy Order), as amended, which require the Secretary of Agriculture to add importer representation, initially two members, to the National Dairy Promotion and Research Board (Dairy Board). USDA is seeking nominations of importers to be considered for appointment to the Dairy Board.

DATES: Nominations must be received on or before June 9, 2011.

FOR FURTHER INFORMATION CONTACT: Whitney Rick, USDA, AMS, Dairy Programs, Promotion and Research Branch, Stop 0233-Room 2958-S, 1400 Independence Avenue, SW., Washington, DC 20250-0233, (202) 720-6909, Whitney.Rick@ams.usda.gov.

SUPPLEMENTARY INFORMATION: This document is being issued pursuant to the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501-4514), Public Law 98-180, enacted November 29, 1983, as amended May 13, 2002, by Public Law 107-171 and further amended June 18, 2008, by Public Law 110-246, and the Dairy Order, as amended under the Final Rule [76 FR 14777; published in the **Federal Register** on March 18, 2011].

The Dairy Board was established under the Dairy Production Stabilization Act of 1983 (Dairy Act) to develop and administer a coordinated program of promotion, research, and nutrition education. Importer representation on the Dairy Board was mandated by the 2002 amendments to the Dairy Act. The Dairy Board is authorized to design programs to strengthen the dairy industry's position in domestic and foreign markets. The program is financed by a mandatory 15-cent per hundredweight assessment on all milk produced in the United States and marketed commercially and a 7.5-cent per hundredweight assessment on milk, or equivalent thereof, used to produce dairy products imported into

the United States. Assessments on dairy products imported into the United States are effective beginning on August 1, 2011, as published in the March 18, 2011, Final Rule.

The Dairy Order states that, initially, importers will be represented on the Dairy Board by two importer members appointed by the Secretary. Thereafter, importer representation on the Dairy Board will be reviewed at least once every three years, and adjusted to reflect the volume of imports relative to domestic production of milk.

For the initial importer nominations, the Secretary will appoint two individuals from those nominated to serve as importer members on the Board. The length of a member's term will be three years. In order to properly coordinate the terms of importers with those of dairy farmer members and to stagger the two terms, initially one importer member will serve a two-year term ending October 31, 2013, and one importer member will serve a term ending October 31, 2014.

Importer nominees must be importers of dairy products and will be subject to the assessment to fund the National Dairy Promotion and Research Program. Such nominations may be submitted by individual importers of dairy products or by organizations representing dairy importers, as approved by the Secretary. Individual importers submitting nominations to represent importers on the Dairy Board must establish, to the satisfaction of the Secretary that the person submitting the nomination is an importer of dairy products. Importer organizations must adequately represent importers of dairy products under the primary determining considerations of whether its membership consist primarily of importers of dairy products and whether a substantial interest of the organization is in the importation of dairy products. An importer means a person that imports 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.

For nominating forms and information, interested parties should contact Whitney Rick, USDA, AMS, Dairy Programs, Promotion and Research Branch, Stop 0233-Room 2958-S, 1400 Independence Avenue, SW., Washington, DC 20250-0233, (202) 720-6909, Whitney.Rick@ams.usda.gov. The forms also can be accessed online at <http://www.ams.usda.gov/dairyimportassessment>.

USDA welcomes membership on industry boards that reflects the diversity of the individuals served by the programs. In an effort to obtain nominations of diverse candidates, USDA encourages those individuals who represent interests of racial and ethnic minorities, women, and persons with disabilities to seek member nomination for the Dairy Board.

Dated: April 29, 2011.

David R. Shipman,
Associate Administrator, Agricultural Marketing Service.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG-2011-0143]

RIN 1625-AA00

Safety Zone; Second Annual Space Coast Super Boat Grand Prix, Atlantic Ocean, Cocoa Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of the Atlantic Ocean east of Cocoa Beach, Florida during the Second Annual Space Coast Super Boat Grand Prix. The Second Annual Space Coast Super Boat Grand Prix will consist of a series of high-speed boat races. The event is scheduled to take place on Saturday, May 21, 2011 and Sunday, May 22, 2011. The temporary safety zone is necessary for the safety of race participants, participant vessels, spectators, and the general public during the event. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Jacksonville or a designated representative.

DATES: This rule is effective from 10 a.m. on May 21, 2011 through 5:30 p.m. on May 22, 2011. This rule will be enforced from 10 a.m. until 4 p.m. on May 21, 2011, and 9 a.m. until 5:30 p.m. on May 22, 2011.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG-2011-0143 and are available online by going to <http://www.regulations.gov>, inserting USCG-2011-0143 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 temporary rule, call or e-mail Lieutenant John E. Adkins, Sector Jacksonville Prevention Department, Coast Guard; telephone 904-564-7563, e-mail John.E.Adkins@uscg.mil. If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202-366-9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive notice of the event with sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize the potential danger to race participants, participant vessels, spectators, and the general public.

For the same reasons, the Coast Guard finds under 5 U.S.C. 553(d)(3) that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

Background and Purpose

Super Boat International Productions, Inc., is hosting the Second Annual Space Coast Super Boat Grand Prix, a series of high-speed boat races. The event will commence on May 21, 2011 and conclude on May 22, 2011. The event will be held on the waters of the Atlantic Ocean east of Cocoa Beach, Florida. Approximately 30 high-speed power boats will be participating in the races, and it is expected that 100 spectator vessels will be present in the area during the races. The high speed of

the participant vessels poses a safety hazard to race participants, participant vessels, spectators, and the general public. The temporary safety zone is necessary to protect race participants, participant vessels, spectators, and the general public from the hazards associated with the event.

Discussion of Rule

The safety zone encompasses certain navigable waters of the Atlantic Ocean in the vicinity of Cocoa Beach, Florida. The safety zone will be enforced from 10 a.m. until 4 p.m. on Saturday, May 21, 2011, and from 9 a.m. until 5:30 p.m. on Sunday, May 22, 2011. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Jacksonville or a designated representative. Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the Captain of the Port Jacksonville by telephone at 904-564-7511, or his designated representative via VHF radio on channel 16, to request authorization. The Coast Guard will be providing notice of the safety zone via Local Notice to Mariners and Broadcast Notice to Mariners. On-scene notice will also be provided by the Coast Guard or local law enforcement.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The economic impact of this rule is not significant for the following reasons: (1) The safety zone will be enforced for only 14.5 hours; (2) although persons and vessels will not be able to enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Jacksonville or a designated representative, they may operate in the surrounding area during the effective period; (3) persons and vessels may still enter, transit through, anchor in, or remain within the safety zone if authorized by the Captain of the Port