

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 923

[Doc. No. AMS-FV-11-0059; FV11-923-1 CR]

#### Sweet Cherries Grown in Designated Counties in Washington; Continuance Referendum

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible Washington sweet cherry growers to determine whether they favor continuance of the marketing order regulating the handling of sweet cherries grown in designated counties in Washington.

**DATES:** The referendum will be conducted from November 5 through November 18, 2011. To vote in this referendum, growers must have grown sweet cherries in designated counties in Washington during the period April 1, 2010, through March 31, 2011.

**ADDRESSES:** Copies of the marketing order may be obtained from the Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, U.S. Department of Agriculture, 805 SW. Broadway, Suite 930, Portland, Oregon 97205, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237.

**FOR FURTHER INFORMATION CONTACT:** Teresa Hutchinson, Marketing Specialist, or Gary D. Olson, Regional Manager, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (503) 326-2724, Fax: (503) 326-7440, or E-mail: [Teresa.Hutchinson@ams.usda.gov](mailto:Teresa.Hutchinson@ams.usda.gov) or

[GaryD.Olson@ams.usda.gov](mailto:GaryD.Olson@ams.usda.gov), respectively.

**SUPPLEMENTARY INFORMATION:** Pursuant to Marketing Order No. 923 (7 CFR part 923), hereinafter referred to as the "order," and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act," it is hereby directed that a referendum be conducted to ascertain whether continuance of the order is favored by growers. The referendum shall be conducted from November 5 through November 18, 2011, among eligible Washington sweet cherry growers. Only growers that were engaged in the production of sweet cherries in designated counties in Washington during the period of April 1, 2010, through March 31, 2011, may participate in the continuance referendum.

USDA has determined that continuance referenda are an effective means for determining whether growers favor the continuation of marketing order programs. USDA would consider termination of the order if fewer than two-thirds of the growers voting in the referendum and growers of less than two-thirds of the volume of Washington sweet cherries represented in the referendum favor continuance of the program. In evaluating the merits of continuance versus termination, USDA will not exclusively consider the results of the continuance referendum. USDA will also consider all other relevant information regarding operation of the order as well as relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0189, Generic Fruit Crops. It has been estimated that it will take an average of 20 minutes for each of the approximately 2500 Washington sweet cherry growers to cast a ballot. Participation is voluntary. Ballots postmarked after November 18, 2011, will not be included in the vote tabulation.

Teresa L. Hutchinson and Gary D. Olson of the Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400-900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents or from their appointees.

#### List of Subjects in 7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

**Authority:** 7 U.S.C. 601-674.

Dated: July 28, 2011.

**David R. Shipman,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2011-19654 Filed 8-2-11; 8:45 am]

**BILLING CODE 3410-02-P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 26

[Docket No. PRM-26-4; NRC-2010-0269]

#### Petition for Rulemaking Submitted by the California Association of Marriage and Family Therapists

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; consideration in the rulemaking process.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has decided to consider in a rulemaking the issues raised in a petition for rulemaking (PRM) submitted by Ms. Mary Riemersma, on behalf of the California Association of Marriage and Family Therapists (the petitioner) (Docket ID PRM-26-4, NRC-2010-0269). The petitioner asked the NRC to amend the regulations at Title 10 of the *Code of Federal Regulations* (10 CFR) 26.187(b) to add marriage and family therapists as substance abuse experts.

**ADDRESSES:** Further NRC action on the issues raised by this petition can be found on the Federal rulemaking Web site at <http://www.regulations.gov> by searching on Docket ID: NRC-2011-0137 which is the identification for the future rulemaking.

You can access publicly available documents related to the petition using the following methods:

- *The NRC's Public Document Room (PDR).* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852.

- *The NRC's Agencywide Documents Access and Management System (ADAMS).* Publicly available documents created or received at the NRC are available electronically at the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can access ADAMS to obtain text and image files of the NRC's public documents. If you do not have access to ADAMS or if you have problems accessing the documents located in ADAMS, contact the NRC's PDR reference staff by telephone at 1-800-397-4209 or 301-415-4737 or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

- *Federal Rulemaking Web Site.* Public comments and supporting materials related to this petition can be found at <http://www.regulations.gov> by searching on the rulemaking Docket ID PRM-26-4, NRC-2010-0269. Address questions about NRC dockets to Carol Gallagher by telephone at 301-492-3668 or by e-mail to [carol.gallagher@nrc.gov](mailto:carol.gallagher@nrc.gov).

**FOR FURTHER INFORMATION CONTACT:** Anthony W. Markley, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-3165, e-mail to [anthony.markley@nrc.gov](mailto:anthony.markley@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On August 24, 2010 (75 FR 51958), the NRC published a notice of receipt of a PRM filed by the California Association of Marriage and Family Therapists and a request for public comment. The comment period closed on November 8, 2010, and the NRC received no comments.

The NRC determined that the issues raised in PRM-26-4 are appropriate for consideration and will address them in a future rulemaking. Docket ID PRM-26-4 is closed.

Dated at Rockville, Maryland, this 14th day of July 2011.

For the Nuclear Regulatory Commission.

**Darren B. Ash,**

*Acting Executive Director for Operations.*

[FR Doc. 2011-19639 Filed 8-2-11; 8:45 am]

**BILLING CODE 7590-01-P**

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 240

[Docket No. R-1428]

RIN 7100-AD 79

### Retail Foreign Exchange Transactions (Regulation NN)

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Notice of proposed rulemaking and request for comment.

**SUMMARY:** The Board of Governors of the Federal Reserve System ("Board") is publishing for comment a regulation to permit banking organizations under its supervision to engage in off-exchange transactions in foreign currency with retail customers. The proposed rule also describes various requirements with which banking organizations must comply to conduct such transactions.

**DATES:** Comments on this notice of proposed rulemaking must be received by October 11, 2011.

**ADDRESSES:** You may submit comments identified by Docket No. R-1428 and RIN No. 7100-AD 79, by using any of the methods below. Please submit your comments using only one method.

*Agency Web Site:* <http://www.federalreserve.gov>. Follow the instructions for submitting comments at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm>.

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*E-mail:* [regs.comments@federalreserve.gov](mailto:regs.comments@federalreserve.gov). Include docket number in the subject line of the message.

*Facsimile:* (202) 452-3819 or (202) 452-3102.

*Mail:* Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

All public comments are available from the Board's Web site at <http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm> as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying information. Public comments may also be viewed electronically or in paper

form in Room MP-500 of the Board's Martin Building (20th and C Streets, NW.) between 9 a.m. and 5 p.m. on weekdays.

**FOR FURTHER INFORMATION CONTACT:** Scott Holz, Senior Counsel, Legal Division, (202) 452-2966.

### SUPPLEMENTARY INFORMATION:

#### I. Background

On July 21, 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act).<sup>1</sup> As amended by section 742(c)(2) of the Dodd-Frank Act,<sup>2</sup> the Commodity Exchange Act (CEA) provides that a United States financial institution<sup>3</sup> for which there is a Federal regulatory agency<sup>4</sup> shall not enter into, or offer to enter into, certain types of foreign exchange transactions described in section 2(c)(2)(B)(i)(I) of the CEA with a retail customer<sup>5</sup> except pursuant to a rule or regulation of a Federal regulatory agency allowing the transaction under such terms and conditions as the Federal regulatory agency shall prescribe<sup>6</sup> (a "retail forex rule"). Section 2(c)(2)(B)(i)(I) includes "an agreement, contract, or transaction in foreign currency that \* \* \* is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a))."<sup>7</sup> A Federal regulatory agency's retail forex rule must treat all such futures and options and all agreements, contracts, or transactions that are functionally or economically similar to such futures and options similarly.<sup>8</sup>

<sup>1</sup> Public Law 111-203, 124 Stat. 1376.

<sup>2</sup> Dodd-Frank Act § 742(c)(2) (to be codified at 7 U.S.C. 2(c)(2)(E)). In this preamble, citations to the retail forex statutory provisions will be the section where the provisions will be codified in the Commodity Exchange Act.

<sup>3</sup> The CEA defines "financial institution" to include an agreement corporation, an Edge Act corporation, a depository institution (as defined in section 3 of the Federal Deposit Insurance Act), a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956), a trust company, or "a similarly regulated subsidiary or affiliate of an entity" described above. 7 U.S.C. 1a(21).

<sup>4</sup> For purposes of the retail forex rules, "Federal regulatory agency" includes "an appropriate Federal banking agency." 7 U.S.C. 2(c)(2)(E)(i)(III). The Board is an "appropriate Federal banking agency" under the CEA. 7 U.S.C. 1a(2).

<sup>5</sup> A retail customer is a person who is not an "eligible contract participant" under the CEA. See, 7 U.S.C. 1a(18).

<sup>6</sup> 7 U.S.C. 2(c)(2)(E)(ii)(I).

<sup>7</sup> 7 U.S.C. 2(c)(2)(B)(i)(I).

<sup>8</sup> 7 U.S.C. 2(c)(2)(E)(iii)(II).