

Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD, 20814; telephone (301) 504–6833, *e-mail: rhammond@cpsc.gov*.

**SUPPLEMENTARY INFORMATION:** On May 28, 2010, the Empire State Consumer Project, Sierra Club, Center for Environmental Health, and the Rochesterians Against the Misuse of Pesticides (“petitioners”) submitted a petition stating that the Commission should issue regulations to ban cadmium in all toy jewelry under the Federal Hazardous Substances Act (“FHSAs”), 15 U.S.C. 1261 *et seq.* The request was docketed under the FHSAs as Petition No. HP 10–2.

Petitioners requested that the Commission adopt regulations declaring that any toy metal jewelry containing more than trace amounts of cadmium by weight, which could be ingested by children, be declared a banned hazardous substance. If the Commission finds that it lacks sufficient information to determine the appropriate level of cadmium in products, petitioners requested that the Commission, as an interim measure, adopt the maximum levels established for lead. In addition, petitioners requested a test method based on total cadmium, which simulates a child chewing the jewelry before swallowing, by cutting the metal jewelry in half, and evaluating the extractability of cadmium from children’s metal jewelry based on a 24-hour acid extraction period. Petitioners also asserted that if the CPSC has insufficient information regarding cadmium, it should obtain additional information under the Interagency Testing Commission (“ITC”) through the Toxic Substances Control Act (“TSCA”) administered by the Environmental Protection Agency (“EPA”) to include metal jewelry in the scope of reporting under section 8(d) of the TSCA and require importers and processors to test toy metal jewelry for cadmium.

On February 16, 2011, the Commission voted unanimously to defer its decision on the petition for six months and directed CPSC staff to participate in the ASTM subcommittees. Specifically, the Commission directed staff to participate in the ASTM F15.24 subcommittee to develop a voluntary standard addressing accessible cadmium from children’s metal jewelry and to work with the ASTM F15.22 subcommittee on the ASTM F963 standard with respect to toy jewelry.

On August 30, 2011, CPSC staff provided the Commission with an update regarding the voluntary standards activities under the ASTM

subcommittees that would address cadmium in children’s jewelry and toy jewelry. The update is available on the CPSC Web site at: <http://www.cpsc.gov/LIBRARY/FOIA/FOIA11/brief/cadmiumpetupd.pdf>. CPSC staff indicated that the work on those standards was expected to be completed in 2011.

On September 6, 2011, by a 3–2 vote,<sup>1</sup> the Commission granted the petition and directed CPSC staff to begin drafting a proposed rule unless a voluntary standard for cadmium in children’s jewelry is published by ASTM within three months after September 16, 2011. If a voluntary standard for cadmium in children’s jewelry is published by ASTM within this timeframe, then CPSC staff is directed to assess the adequacy of the voluntary standard and whether there is substantial compliance with the voluntary standard and based on these assessments make a recommendation on the disposition of this petition within nine months after September 16, 2011.

In addition, the Commission granted the petition and directed CPSC staff to begin drafting a proposed rule unless a voluntary standard for cadmium in children’s toy jewelry is published by ASTM within three months after September 16, 2011. If a voluntary standard for cadmium in children’s toy jewelry is published by ASTM within this timeframe, then CPSC staff is directed to assess the adequacy of the voluntary standard and whether there is substantial compliance with the voluntary standard and based on these assessments make a recommendation on the disposition of this petition within nine months after September 16, 2011.

The Commission further directed CPSC staff to issue a notice in the **Federal Register** announcing the outcome of the vote and status of the petition. Thus, this notice announces the vote that occurred on September 6, 2011, the actions that the Commission directed CPSC staff to take, and the status of the petition.

<sup>1</sup> Chairman Inez M. Tenenbaum and Commissioners Thomas H. Moore and Robert S. Adler voted to take this action. Commissioners Nancy A. Nord, and Anne M. Northup voted to defer the petition (HP10–2) for an additional six months and direct staff to continue its participation in the ASTM F15.24 subcommittee to develop a voluntary standard addressing accessible cadmium from children’s metal jewelry, as well as continue its participation in the ASTM F15.22 subcommittee to amend the ASTM F963 toy safety standard. Chairman Tenenbaum and Commissioner Nord issued statements which are available at <http://www.cpsc.gov/PR/statements.html>.

Dated: September 13, 2011.

**Todd A. Stevenson,**  
*Secretary, Consumer Product Safety Commission.*

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## DEPARTMENT OF THE INTERIOR

### National Indian Gaming Commission

#### 25 CFR Chapter III

##### Regulatory Review Schedule

**AGENCY:** National Indian Gaming Commission, Interior.

**ACTION:** Notice of date and location change for Tribal consultation meeting.

**SUMMARY:** The purpose of this document is to change the date and location for the Tribal consultation scheduled for November 14–15, 2011 at the Spa Resort Casino, Palms Springs, California to November 14, 2011 in Rapid City, South Dakota.

**DATES:** See **SUPPLEMENTARY INFORMATION** below for dates and locations of cancelled consultations.

**FOR FURTHER INFORMATION CONTACT:** Lael Echo-Hawk, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005. Telephone: 202–632–7003; *e-mail: reg.review@nigc.gov*.

**SUPPLEMENTARY INFORMATION:** On November 18, 2010, the National Indian Gaming Commission (NIGC) issued a Notice of Inquiry and Notice of Consultation advising the public that it was conducting a review of its regulations promulgated to implement 25 U.S.C. 2701–2721 of the Indian Gaming Regulatory Act (IGRA) and requesting public comment on the process for conducting the regulatory review. On April 4, 2011, after holding eight consultations and reviewing all comments, NIGC published a Notice of Regulatory Review Schedule in the **Federal Register** setting out consultation schedules and review processes. (76 FR 18457, April 4, 2011).

The Commission’s regulatory review process established a Tribal consultation schedule with a description of the regulation groups to be covered during consultation.

Group 1 included a review of:

- (a) A Buy Indian Act regulation;
- (b) Part 523—Review and Approval of Existing Ordinances or Resolutions;
- (c) Part 514—Fees;
- (d) Part 559—Facility License Notifications, Renewals, and Submissions; and

(e) Part 542—Minimum Internal Control Standards.

Group 2 included a review of:

(a) Part 573—Enforcement; and  
(b) Regulations concerning proceedings before the Commission, including:  
Parts 519—Service, Part 524—Appeals, Part 539—Appeals, and Part 577—Appeals Before the Commission

Group 3 included a review of:

(a) Part 543—Minimum Internal Control Standards for Class II Gaming; and  
(b) Part 547—Minimum Technical Standards for Gaming Equipment Used With the Play of Class II Games.

Group 4 included a review of:

(a) Part 556—Background Investigations for Primary Management Officials and Key Employees;

(b) Part 558—Gaming Licenses for Key Employees and Primary Management Officials;

(c) Part 571—Monitoring and Investigations;

(d) Part 531—Collateral Agreements;

(e) Part 537—Background Investigations for Persons or Entities With a Financial Interest in, or Having Management Responsibility for, a Management Contract; and

(f) Part 502—Definitions.

Group 5 included a review of:

(a) Part 518—Self Regulation of Class II Gaming;

(b) A Sole Proprietary Interest regulation; and

(c) Class III MICS.

The Commission has conducted 12 consultations since April 2011 and will continue consultations on the regulations, however, the Commission has removed Group 3 regulations (Class II MICS and Technical Standards) and Class III MICS from the current consultation schedule. A Tribal Advisory Committee will review those regulations during a separate meeting schedule. The Commission intends to consult with Tribes on Group 3 regulations and Class III MICS after completion of the Tribal Advisory Committee process.

This document advises the public that the following Tribal consultation has been changed to a one day consultation in Rapid City, South Dakota.

Consultation date	Event	Location	Regulation group(s)
November 14–15, 2011 .....	NIGC Consultation—California .....	Spa Resort Casino, Palm Springs, CA .....	5

New date and location:

Consultation date	Event	Location	Regulation group(s)
November 14, 2011 .....	NIGC Consultation—Great Plains .....	Hilton Garden Inn, Rapid City, SD .....	1, 2, 4, 5

For additional information on consultation locations and times, please refer to the Web site of the National Indian Gaming Commission, <http://www.nigc.gov>.

Dated: September 12, 2011 in Washington, DC.

**Tracie L. Stevens,**  
Chairwoman.

**Steffani A. Cochran,**  
Vice-Chairwoman.

**Daniel J. Little,**  
Associate Commissioner.

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

**[REG-111283-11]**

**RIN 1545-BK22**

#### Swap Exclusion for Section 1256 Contracts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed regulations that describe swaps and similar agreements that fall within the meaning of section 1256(b)(2)(B) of the Internal Revenue Code (Code). This document also contains proposed regulations that revise the definition of a notional principal contract under § 1.446–3 of the Income Tax Regulations. This document provides a notice of public hearing on these proposed regulations.

**DATES:** Written or electronic comments must be received by December 15, 2011. Outlines of topics to be discussed at the public hearing scheduled for January 19, 2012, must be received by December 14, 2011.

**ADDRESSES:** Send submissions to: CC:PA:LPD:PR (REG-111283-11), Room 5203, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington DC 20044. Submissions may be hand delivered Monday through Friday, between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG-111283-11), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Federal eRulemaking Portal at <http://www.regulations.gov> (IRS-REG-

111283-11). The public hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the proposed regulations, K. Scott Brown (202) 622–7454; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Richard Hurst, (202) 622–7180 (not toll-free numbers).

#### SUPPLEMENTARY INFORMATION:

#### Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR part 1) under sections 1256 and 446 of the Code. Section 1256(b)(2)(B) was added to the Code by section 1601 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111–203, 1601, 124 Stat. 1376, 2223 (2010)) (the Dodd-Frank Act). Section 1256(b)(2)(B) provides that certain swaps and similar agreements are not subject to section 1256 of the Code. These proposed regulations provide guidance on the category of swaps and similar agreements that are within the scope of section 1256(b)(2)(B). These proposed regulations also revise the definition