

administrative expenses shared between the Committee and the CDPB in recent years. The assessment rate of \$0.27 per ton of salable dried prunes was derived by considering the handler assessment revenue needed to meet anticipated expenses, the estimated salable tons of California dried prunes, excess funds carried forward into the 2010–11 crop year, and estimated interest income. An alternative to this action would be to continue with the \$0.16 per ton assessment rate. However, an assessment rate of \$0.27 per ton of salable dried prunes, along with excess funds from the 2009–10 crop year, is needed to provide enough income to fund the Committee's operations.

A review of historical and preliminary information pertaining to the upcoming crop year indicates that the grower price for the 2008–09 crop year was \$1,500 per ton, that the grower price for the 2009–10 crop year was \$1,200 per ton, and that the grower price for the 2010–11 crop year could range between \$1,000 and \$1,100 per ton of salable dried prunes. Based on an estimated 150,000 salable tons of dried prunes, assessment revenue as a percentage of producer prices during the 2010–2011 crop year is expected to range between .027 and .025 percent.

This action would increase the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 24, 2010, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large California prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the

use of the Internet and other information technologies to provide increased opportunities for citizen access to government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide>.

Any questions about the compliance guide should be sent to Antoinette Carter at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. Thirty days is deemed appropriate because: (1) The 2010–11 crop begins on August 1, 2010, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such crop year; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years.

#### List of Subjects in 7 CFR Part 993

Marketing agreements, Plum, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is proposed to be amended as follows:

#### **PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA**

1. The authority citation for 7 CFR part 993 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

2. Section 993.347 is revised to read as follows:

#### **§ 993.347 Assessment rate.**

On and after August 1, 2010, an assessment rate of \$0.27 per ton of salable dried prunes is established for California dried prunes.

Dated: August 17, 2010.

**Rayne Pegg,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2010–20981 Filed 8–23–10; 8:45 am]

**BILLING CODE 3410–02–P**

## **NUCLEAR REGULATORY COMMISSION**

### **10 CFR Part 26**

[Docket No. PRM–26–4; NRC–2010–0269]

#### **California Association of Marriage and Family Therapists; Notice of Receipt of Petition for Rulemaking**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Petition for rulemaking; notice of receipt.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking dated March 24, 2010, and supplemented on July 12, 2010, filed by the California Association of Marriage and Family Therapists (CAMFT) (petitioner). The petition was docketed by the NRC and has been assigned Docket No. PRM–26–4. The petitioner requests that the NRC amend its regulations to add marriage and family therapists (MFT) as substance abuse experts (SAEs).

**DATES:** Submit comments by November 8, 2010. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Please include Docket ID NRC–2010–0269 in the subject line of your comments. For instructions on submitting comments and accessing documents related to this action, see “Submitting Comments and Accessing Information” in the **SUPPLEMENTARY INFORMATION** section of this document. You may submit comments by any one of the following methods.

*Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for documents filed under Docket ID NRC–2010–0269. Address questions about NRC dockets to Carol Gallagher, telephone 301–492–3668; e-mail [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

*E-mail comments to:* [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov). If you do not receive a reply e-mail confirming that we have received your comments, contact us directly at 301–415–1966.

*Hand Deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852 between 7:30 a.m. and 4:15 p.m. during Federal workdays (Telephone 301–415–1966).

*Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

For a copy of the petition, write to Betty Golden, Rules, Announcements, and Directives Branch (MS TWB-5 B1M), Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

**FOR FURTHER INFORMATION CONTACT:**

Cindy Bladey, Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Telephone 301-492-3667, toll free 800-368-5642, [Cindy.Bladey@nrc.gov](mailto:Cindy.Bladey@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**Submitting Comments and Accessing Information**

Comments submitted in writing or in electronic form will be posted on the NRC Web site and on the Federal rulemaking Web site <http://www.regulations.gov>. Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. The NRC requests that any party soliciting or aggregating comments received from other persons for submission to the NRC inform those persons that the NRC will not edit their comments to remove any identifying or contact information, and therefore, they should not include any information in their comments that they do not want publicly disclosed.

You can access publicly available documents related to this document, including the following documents, using the following methods:

**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 O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland.

**NRC's Agencywide Documents Access and Management System (ADAMS):** Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/adams.html>. From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at 1-800-397-4209, or 301-415-4737, or by e-mail to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov). The ADAMS accession numbers for the petition are ML102030370 (March 24, 2010 letter) and ML102000432 (July 12, 2010 letter).

**Federal Rulemaking Web Site:** Public comments and supporting materials related to this action, including the petition for rulemaking, can be found at <http://www.regulations.gov> by searching on Docket ID NRC-2010-0269.

**Background**

On March 24, 2010, the NRC received a request submitted by CAMFT for the NRC to amend its regulations at 10 CFR 26.187(b) to add marriage and family therapists (MFTs) as substance abuse experts (SAE). The NRC requested additional information on the petitioner's request. The petitioner provided this supplementary information to the NRC in a letter dated July 12, 2010, and the request has been docketed as a petition for rulemaking and assigned Docket No. PRM-26-4. The petitioner states that its interest in the requested action is to pursue changes in law, whether statutory or regulatory, that increase professional opportunities for MFTs, and that treat the profession on par with the other mental health disciplines.

**The Petition**

The petitioner states that MFTs should be included as SAEs for the following reasons:

(1) The petitioner believes that this amendment would enable MFTs who are qualified to address substance abuse issues by virtue of their education, training, and experience to evaluate individuals who have violated the NRC's fitness for duty policies. The petitioner states that these MFTs would also be able to make recommendations concerning education, treatment, return to duty, follow-up drug and alcohol testing, and aftercare. The petitioner states that many MFTs in California perform this work on a daily basis, both in inpatient and outpatient treatment settings. The petitioner states that "qualified" means that the MFT providing these services would meet the "basic knowledge" requirement presented in 10 CFR 26.187(c) (*i.e.*, demonstrated knowledge of and clinical experience in the diagnosis and treatment of alcohol and substance abuse disorders), and would comply with any continuing education requirements. The petitioner states that, in California, MFTs receive the same amount of required instruction in substance abuse issues that psychologists receive. MFTs also receive the same amount of required instruction that licensed clinical social workers receive.

(2) The petitioner believes that the role of a SAE should be open to any mental health professional, regardless of

licensure, who can demonstrate that he or she is qualified to be a SAE. The petitioner states that in the NRC's response to Industry Comment 2 (in the 10 CFR Part 26 proposed rule, "Fitness for Duty Programs," published on August 26, 2005; 70 FR 50441), the NRC addressed the question of whether only licensed physicians could be SAEs. The petitioner states that the NRC concluded that the "SAE need not be a licensed physician, but would be required to have extensive expertise, such as a licensed or certified social worker, psychologist, or others listed in § 26.187(b), and additional qualifications specifically related to substance abuse disorders." Consequently, the petitioner believes that under the NRC's own rationale for the position of SAE, the emphasis is not on a particular license designation. Rather, the emphasis is on whether the individual licensee has "extensive expertise" in diagnosing and treating alcohol and substance abuse issues. The petitioner states that MFTs should be included in the list of credentialed professionals because they are recognized by the Department of Health and Human Services, along with psychiatry, psychology, clinical social work and psychiatric nursing as one of the five core mental health disciplines in the United States, and they are trained to assess and treat substance abuse issues.

(3) The petitioner states that California law allows MFTs and licensed clinical social workers to diagnose and treat mental disorders. The petitioner believes that if licensed clinical social workers are included on the list of professionals to diagnose and treat mental disorders, then MFTs should also be included. The petitioner states that in California there is much overlap of the professional duties and responsibilities of marriage and family therapists, psychologists, and clinical social workers, especially in the area of alcohol and substance abuse counseling. The petitioner believes that all of these professions have licensees who, by virtue of their education, training, and experience, have "extensive expertise" in diagnosing and treating alcohol and substance abuse issues. The petitioner believes that, if the NRC allows licensed or certified social workers and licensed or certified psychologists to be SAEs, it should also allow MFTs to be SAEs.

(4) The petitioner believes that the trend of the Federal Government is to include MFTs as providers of substance abuse services within government programs. The petitioner states that the Department of Transportation recently amended its regulations to allow MFTs

to be “substance abuse professionals” and to perform counseling services with its employees, and the Federal Health Resources Services Administration has included MFTs on its list of five core mental health disciplines.

(5) The petitioner states that the licensing and regulation of MFTs is done by all fifty states. The petitioner states that although licensing is conducted by individual states, the vast majority of states require candidates to pass the national MFT examination, which is administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB). The National MFT examination tests prospective MFTs on their knowledge of substance abuse issues and treatment. The petitioner states that in terms of substance abuse issues, the AMFTRB tests prospective MFTs on their knowledge of how substance abuse and dependency affect the individual and the functioning of his or her family; the effects of addictive behavior on the individual and the family system; and addiction treatment modalities.

The petitioner provided the following documents as attachments to its petition for rulemaking. These documents are not included in this publication. (See the **ADDRESSES** section of this document for instructions on accessing a copy of the petition for rulemaking.)

- California Business & Professions Code § 498.36, § 1887.3, § 29, § 2914, § 1382.3, and § 4996.2;
- Yale School of Medicine Bulletin;
- NAADAC Guide to Certification; and
- Employee Assistance Professionals Association, “How to Become a CEAP”.

In summary, the petitioner believes that MFTs should be included in the list of credentialed professionals presented in 10 CFR 26.187(b). The petitioner states that it realizes the importance of the role SAEs play in safeguarding the United States and its citizens, and believes that the members of CAMFT who are qualified to be SAEs would be a credit to the NRC.

Dated at Rockville, Maryland, this 18th day of August 2010.

For the Nuclear Regulatory Commission.

**Annette L. Vietti-Cook,**

*Secretary of the Commission.*

[FR Doc. 2010–21022 Filed 8–23–10; 8:45 am]

**BILLING CODE 7590–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 51

[EPA–HQ–OAR–2008–0462, FRL–9192–7]

RIN 2060–AP30

### Proposed Rule To Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: New Source Review Anti-Backsliding Provisions for Former 1-Hour Ozone Standard

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This proposed action would clarify the obligation to retain 1-hour nonattainment new source review (NSR) program requirements for certain areas designated nonattainment for the 1997 8-hour ozone national ambient air quality standard (NAAQS). The EPA proposes to revise the rule for implementing the 1997 8-hour ozone NAAQS to address how NSR requirements that applied by virtue of the area’s 1-hour ozone NAAQS classification should apply under the anti-backsliding provisions of the 1997 8-hour implementation rule. This proposed rule responds to the ruling by the U.S. Court of Appeals for the District of Columbia Circuit that the 1-hour major NSR program, as it applies to areas that were designated 1-hour nonattainment on the date of designation for the 1997 8-hour NAAQS, is a required control to prevent backsliding. EPA has separately proposed to remove the vacated provisions of the rule that allowed States to remove (or not include, if not yet adopted) 1-hour major NSR for nonattainment areas from their State implementation plans (SIPs).

**DATES:** *Comments.* Comments must be received on or before September 23, 2010.

*Public Hearing.* If anyone contacts us requesting a public hearing by September 3, 2010, we will hold a public hearing approximately 30 days after publication of this proposal in the **Federal Register**. Additional information about the hearing would be published in a subsequent **Federal Register** notice.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2008–0462, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- *E-mail:* [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov).
- *Fax:* (202) 566–9744.

- *Mail:* Air and Radiation Docket and Information Center, Attention Docket ID No. EPA–HQ–OAR–2008–0462, Environmental Protection Agency, 1301 Constitution Ave., NW., Washington, DC 20460. Mail Code: 2822T. Please include two copies if possible.

- *Hand Delivery:* Air and Radiation Docket and Information Center, Attention Docket ID No. EPA–HQ–OAR–2008–0462, Environmental Protection Agency in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW., Washington, DC. The EPA/DC Public Reading Room hours of operation will be 8:30 a.m. to 4:30 p.m. Eastern Standard Time (EST), Monday through Friday, Air and Radiation Docket and Information Center.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OAR–2008–0462. The EPA’s policy is that all comments received will be included in the public docket without change and may be made available on-line at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov>, or e-mail. The <http://www.regulations.gov> Web Site is an “anonymous access” system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA’s public docket, visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>. For additional instructions on submitting comments, go to the **SUPPLEMENTARY INFORMATION** section of this document.