

continental United States from China only under the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests:

*Adoxophyes orana* (Fischer von Röslerstamm), summer fruit tortrix; *Archips micaceana* (Walker), a moth; *Argyrotaenia ljungiana* (Thunberg), grape tortrix; *Bactrocera dorsalis* (Hendel), Oriental fruit fly; *Carposina sasakii* Matsumura, peach fruit moth; *Cenopalpus pulcher* (Canestrini & Fanzago), flat scarlet mite; *Cryptoblabes gnidiella* (Millière), honeydew moth; *Cydia funebrana* (Treitschke), plum fruit moth; *Euzophera bigella* (Zeller), quince moth; *Euzophera pyriella* Yang, a moth; *Grapholita inopinata* Heinrich, Manchurian fruit moth; *Leucoptera malifoliella* (Costa), apple leaf miner; *Monilia polystroma* van Leeuwen, Asian brown rot; *Monilinia fructigena* Honey, brown fruit rot; *Rhynchites auratus* (Scopoli), apricot weevil; *Rhynchites bacchus* (L.), peach weevil; *Rhynchites giganteus* Krynicky, a weevil; *Rhynchites heros* Roelofs, a weevil; *Spilonota albicana* (Motschulsky), white fruit moth; *Spilonota prognathana* Snellen, a moth; and *Ulodemis trigrapha* Meyrick, a moth. The conditions for importation of all fresh apples from China are found in paragraphs (a) through (e) of this section; additional conditions for apples imported from areas of China south of the 33rd parallel are found in paragraph (f) of this section.

(a) *General requirements.*

(1) The national plant protection organization (NPPO) of China must provide an operational workplan to APHIS that details the activities that the NPPO of China will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section.

(2) The apples must be grown at places of production that are registered with the NPPO of China.

(3) Apples from China may be imported in commercial consignments only.

(b) *Place of production requirements.*

(1) The place of production must carry out any phytosanitary measures specified for the place of production under the operational workplan as described in the regulations.

(2) When any apples destined for export to the continental United States are still on the tree and are no more than 2 centimeters in diameter, double-layered paper bags must be placed wholly over the apples. The bags must remain intact and on the apples until the apples arrive at the packinghouse.

(3) The NPPO of China must visit and inspect registered places of production

prior to harvest for signs of infestation and/or infection.

(4) If *Monilia polystroma* van Leeuwen or *Monilinia fructigena* is detected at a registered place of production, APHIS may reject the consignment or prohibit the importation into the continental United States of apples from the place of production for the remainder of the season. The exportation to the continental United States of apples from the place of production may resume in the next growing season if an investigation is conducted by the NPPO and APHIS and the NPPO conclude that appropriate remedial action has been taken.

(c) *Packinghouse requirements.*

(1) Packinghouses must be registered with the NPPO of China, and during the time registered packinghouses are in use for packing apples for export to the continental United States, the packinghouses may only accept apples that are from registered places of production and that are produced in accordance with the requirements of this section.

(2) Packinghouses must have a tracking system in place to readily identify all apples destined for export to the continental United States that enter the packinghouse and be able to trace the apples back to their place of production.

(3) Following the packinghouse inspection, the packinghouse must follow a handling procedure for the apples that is mutually agreed upon by APHIS and the NPPO of China.

(4) The apples must be washed and waxed prior to shipment.

(5) The apples must be packed in cartons that are labeled with the identity of the place of production and the packinghouse.

(d) *Shipping requirements.* Sealed containers of apples destined for export to the continental United States must be held in a cold storage facility while awaiting export.

(e) *Phytosanitary certificate.* Each consignment of apples imported from China into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of China with an additional declaration stating that the requirements of this section have been met and the consignment has been inspected by the NPPO and found free of quarantine pests.

(f) *Additional conditions for apples from areas of China south of the 33rd parallel.* In addition to the conditions in paragraphs (a) through (e) of this section, apples from areas of China south of the 33rd parallel apples must

be treated in accordance with 7 CFR part 305.

Done in Washington, DC, this 14th day of July 2014.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2014-16923 Filed 7-17-14; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 340

[Docket No. APHIS-2006-0124]

RIN 0579-AC08

#### Sharing Certain Business Information Regarding the Introduction of Genetically Engineered Organisms With State and Tribal Government Agencies

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We are withdrawing a proposed rule that would have amended the regulations regarding genetically engineered organisms regulated by the United States Department of Agriculture by adding provisions for sharing certain business information with State and Tribal government agencies. We have decided to withdraw the proposed rule to ensure that our ability to protect confidential business information from disclosure is maintained.

**DATES:** The proposed rule published on February 27, 2013 (78 FR 13286-13294) is withdrawn, as of July 18, 2014.

**FOR FURTHER INFORMATION CONTACT:** Ms. Chessa Huff-Woodard, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 146, Riverdale, MD 20737-1236; (301) 851-3943.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 27, 2013, the Animal and Plant Health Inspection Service (APHIS) published in the **Federal Register** a proposal<sup>1</sup> (78 FR 13286-13294, Docket No. APHIS-2006-0124) to amend the regulations to share certain confidential business information (CBI) with State and Tribal regulatory officials. APHIS proposed to share certain CBI contained in permit applications and notifications

<sup>1</sup> To view the proposed rule, supporting documents, and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2006-0124>.

for importations, interstate movements, and releases into the environment of regulated genetically engineered (GE) organisms only with those specific State or Tribal agencies that have jurisdiction over GE agricultural crops and/or products, to enable the State and Tribal governments to better review and comment on notifications and permit applications received by APHIS and provide information, comments, and recommendations to APHIS.

Since publication of the proposed rule, we have discovered potential vulnerabilities under the Freedom of Information Act (FOIA). While CBI is protected from mandatory public disclosure under FOIA (5 U.S.C. 552(b)(4)), we conducted an in-depth review of FOIA and determined that disclosure of CBI to State and Tribal regulatory officials may constitute a waiver of this FOIA exemption. Specifically, under FOIA, the States are considered members of “the public.” Because disclosure to one member of the public means disclosure to the general public, APHIS may be required to disclose the CBI shared with State and Tribal regulatory officials to anyone who requests the same information under FOIA. FOIA mandates that Federal agencies must or may withhold CBI, and we are committed to protecting CBI. Therefore, we have now decided to withdraw the February 27, 2013, proposed rule in order to ensure protection of CBI provided to APHIS in notifications and permit applications.

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 14th day of July 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014–16927 Filed 7–17–14; 8:45 am]

**BILLING CODE 3410–34–P**

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 72

[Docket Nos. PRM–72–7; NRC–2012–0266; NRC–2014–0067]

#### Spent Fuel Cask Certificate of Compliance Format and Content

**AGENCY:** Nuclear Regulatory Commission.

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

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will consider in its

rulemaking process six issues raised in a petition for rulemaking (PRM), PRM–72–7, submitted by Anthony Pietrangolo, on behalf of the Nuclear Energy Institute (NEI or the petitioner). The petitioner requests that the NRC amend its regulations to improve the efficiency of the licensing and oversight of spent fuel dry cask storage.

**DATES:** The docket for the petition for rulemaking, PRM–72–7, is closed on July 18, 2014.

**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–2014–0067, which is the identification for the future rulemaking.

Please refer to Docket ID NRC–2012–0266 when contacting the NRC about the availability of information regarding this petition. You can access publicly available documents related to the petition using the following methods:

- **Federal Rulemaking Web site:** Go to: <http://www.regulations.gov> and search on the petition Docket ID NRC–2012–0266. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC’s Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at: 1–800–397–4209 or 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

- **NRC’s PDR:** You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Keith McDaniel, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5252; email: [Keith.McDaniel@nrc.gov](mailto:Keith.McDaniel@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

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### I. The Petition

On October 3, 2012, the NRC received a PRM filed by NEI (ADAMS Accession No. ML12299A380). The NEI is a nuclear energy organization that works on matters affecting the nuclear energy industry. The petitioner requests that the NRC amend part 72 of Title 10 of the *Code of Federal Regulations* (10 CFR), “Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater Than Class C Waste,” to add a new rule governing spent fuel storage cask certificate of compliance (CoC) format and content, extend the applicability of the backfit rule to CoC holders, and make other changes. The petitioner states that these changes are needed improvements based on experience and risk insights gained since the 10 CFR part 72 regulations were developed in the 1980s and modified in 1990. The petitioner also claims that the proposed changes would improve regulatory efficiency and effectiveness, as well as serve an important safety function by allowing both industry and NRC resources to be focused on safety-significant information. The petitioner states that more efficient and effective NRC oversight of dry cask storage will improve implementation of dry cask storage requirements. Furthermore, the petitioner claims these proposed changes offer a holistic approach to regulatory improvements and result in a more risk-informed regulatory framework.

The NRC published a notice of receipt of the petition and request for public comment in the **Federal Register** (FR) on February 5, 2013 (78 FR 8050). After analyzing the issues raised in the petition and reviewing the public comments, the NRC concludes that the issues are appropriate for rulemaking consideration.

### II. Public Comments on the Petition

The notice of receipt of the PRM requested that interested persons submit comments to the NRC. The comment period closed on April 22, 2013. The NRC received five comment letters (ADAMS Accession No. ML14134A072). Four letters were from members or representatives of the nuclear industry and one letter was from four U.S. Senators. The public comments supported NEI’s claim that greater efficiencies were needed in the 10 CFR