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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 989

[Doc. No. AMS-FV-10-0044; FV10-989-2 PR]

Raisins Produced From Grapes Grown in California; Use of Estimated Trade Demand To Compute Volume Regulation Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposed rule published in the **Federal Register** on August 6, 2010 (75 FR 47490), on the use of an estimated trade demand figure to compute volume regulation percentages for 2010–11 crop Natural (sun-dried) Seedless (NS) raisins covered under the Federal marketing order for California raisins (order). The order regulates the handling of raisins produced from grapes grown in California and is administered locally by the Raisin Administrative Committee (committee). The proposal provided parameters for implementing volume regulations for 2010–11 NS raisins for the purpose of maintaining the industry's export program and stabilizing the domestic market. Based upon comments in response to the proposed rule, conditions in the industry, the change in the worldwide raisin outlook, and the lack of industry support for an estimated trade demand, the proposed rule is being withdrawn.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Senior Marketing Specialist or Kurt J. Kimmel, Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA; Telephone: (559) 487-5901, Fax: (559) 487-5906, or E-mail: Terry.Vawter@ams.usda.gov or Kurt.Kimmel@ams.usda.gov.

Small businesses may request information on complying with this

regulation by contacting Antoinette Carter, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW., STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or E-mail: Antoinette.Carter@ams.usda.gov.

SUPPLEMENTARY INFORMATION: Marketing Agreement and Order No. 989, both as amended (7 CFR part 989), regulate the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

This action withdraws a proposed rule, published in the **Federal Register** on August 6, 2010 (75 FR 47490), on the establishment of an estimated trade demand figure to compute volume regulation percentages for 2010–11 crop Natural (sun-dried) Seedless (NS) raisins covered under the order.

Specifically, the proposed rule would have provided authority for the committee to use an estimated trade demand for the 2010–11 crop NS raisins to compute volume regulation percentages, creating a reserve if the crop estimate is equal to, less than, or no more than 10 percent greater than the computed trade demand prescribed under the order; provided that the final reserve percentage computed using such estimated trade demand shall be no more than 10 percent, and no reserve would be established if the final 2010–11 NS raisin crop estimate is less than 110 percent of the previous crop year's domestic shipments.

Reserve raisins have historically been used by the committee to support market development programs that have strengthened export sales and reduced surpluses, thus providing stability to the domestic market.

During the comment period, August 6 through 23, 2010, the Department of Agriculture (USDA) received eight timely comments. These comments may be reviewed at: <http://www.regulations.gov>. Readers may access the docket and comments submitted by typing the docket number, AMS-FV-10-0044, into the Keyword field on the home page and clicking on Search. The docket details, including the list of comments, appear on the lower third of the search results page.

Of the eight comments received, two favored implementation of the proposed rule. These commenters expressed their view that the establishment of an estimated trade demand is necessary to ensure that volume regulation is established for the 2010–2011 crop year. Establishment of volume regulation would in turn allow development and funding of an export program to support handler sales in export markets. According to these comments, such an export program is necessary for the California raisin industry to maintain an international market presence, sustain current sales momentum, and to be competitive in the global raisin market.

Six of the eight comments did not favor implementation of the proposed rule. These commenters generally stated that conditions in the industry and the worldwide raisin outlook had changed since the proposed rule was recommended. More specifically, the California raisin industry has contracted, and the supply and demand for raisins in domestic and export markets is relatively balanced. The commenters also noted that the recommendation for this action was made prior to the availability of data indicating that the 2010–2011 raisin crops in Chile and Turkey are estimated to be smaller than in previous years. The expected shorter global supply of raisins provides export marketing opportunities for handlers of California raisins and lessens the need for an export program to support handler's sales, according to the commenters. Further, one commenter stated that if volume regulation and an export program are implemented this year, it could result in inadequate raisin supplies for the domestic market. Other commenters expressed the opinion that with worldwide supply and demand in balance, the California raisin industry should not utilize volume regulation to support handler's export sales.

Since the committee made its unanimous recommendation to utilize estimated trade demand for the 2010–2011 crop year on May 13, 2010, additional and more current information has become available indicating the industry and worldwide raisin situation has changed, thus reducing the need to implement this rule. In addition, comments received from handlers and growers indicate a lack of support for

this action. USDA has therefore determined to withdraw this rule.

Accordingly, the proposed rule regarding the establishment of an estimated trade demand figure to compute volume regulation percentages for 2010–11 crop NS raisins published in the **Federal Register** on August 6, 2010 (75 FR 47490), is hereby withdrawn.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: October 8, 2010.

Rayne Pegg,

Administrator, Agricultural Marketing Service.

[FR Doc. 2010–26163 Filed 10–15–10; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

10 CFR Part 70

[Docket No. PRM–70–8; NRC–2009–0184]

Nuclear Energy Institute; Consideration of Petition in the Rulemaking Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Resolution and closure of petition docket.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will consider five of the issues raised in a petition submitted by the Nuclear Energy Institute (NEI), and is denying the remaining four issues of the petition. The petition requests the NRC amend its regulations to clarify existing event reporting requirements based on experience gained since the requirements were revised.

DATES: The docket for the petition for rulemaking PRM–70–8 is closed on October 18, 2010.

ADDRESSES: Further NRC action on the issues raised by this petition will be accessible at the Federal rulemaking portal, <http://www.Regulations.gov>, by searching on rulemaking docket ID NRC–2010–0271. The NRC also tracks all rulemaking actions in the “NRC Regulatory Agenda: Semiannual Report NUREG–0936.”

You can access publically available documents related to this petition for rulemaking using the following methods:

Federal Rulemaking Web Site: Go to <http://www.Regulations.gov> and search

for documents filed under the following rulemaking docket ID: NRC–2009–0184.

NRC’s Public Document Room (PDR): The public may examine and have copied for a fee publicly available documents at the NRC’s Public Document Room, Room O–1F21, 11555 Rockville Pike, Rockville, MD.

NRC’s Agencywide Document 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/NRC/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 Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to pdr.resource@nrc.gov.

FOR FURTHER INFORMATION CONTACT:

Thomas Young, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–5795, e-mail: thomas.young@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petition

The NRC received and docketed a petition for rulemaking (ADAMS Accession No. ML091110449) dated April 16, 2009, filed by the NEI (petitioner). On June 4, 2009 (74 FR 26814), the NRC published a notice of receipt requesting comment on the petition. The petitioner requested that the NRC amend its regulations to clarify safety event reporting requirements listed in Appendix A to 10 CFR part 70. The petitioner stated that in a June 2007 white paper, NEI documented challenges posed by implementation of the 2000 version of 10 CFR part 70, Appendix A. The petitioner stated that the NRC had also observed inconsistent reporting of events under Appendix A and had developed a matrix of reporting issues based on actual events. A working group, consisting of NRC and industry representatives, was formed to achieve a common understanding of reports required under Appendix A. The petitioner stated that industry endorses and is ready to support the suggested modifications to Appendix A that were indicated in the petition.

The NRC identified nine issues in the petition, as follows:

(1) In the introductory text of Appendix A to 10 CFR part 70, remove “except for (a)(1), (a)(2), and (b)(4), after

they have submitted an ISA [Integrated Safety Analysis] Summary in accordance with § 70.62(c)(3)(ii). Licensees must comply with (a)(1), (a)(2), and (b)(4) after October 18, 2000.”

(2) In paragraph (a) of Appendix A to 10 CFR part 70, change the time requirement to submit a written report on events reported to the NRC Operations Center within 1 hour of discovery from 30 days to 60 days.

(3) Revise paragraph (a)(2) of Appendix A to 10 CFR part 70 to clarify that the intake is associated with a person located outside the controlled area, in order to make the reporting requirements commensurate with the performance requirements described in 10 CFR 70.61(b)(3).

(4) Revise paragraph (a)(3) of Appendix A to 10 CFR part 70 to read:

An acute chemical exposure to an individual inside the controlled area from licensed material or hazardous chemicals produced from licensed material that could endanger the life of a worker; or, a chemical release involving licensed material or hazardous chemicals produced from licensed materials that results in a concentration outside of the controlled area that exceeds the quantitative standards established as required by 10 CFR 70.61(b)(4)(ii).

(5) Remove paragraph (a)(5) of Appendix A to 10 CFR part 70 which states: “Loss of controls such that only one item relied on for safety, as documented in the Integrated Safety Analysis summary, remains available and reliable to prevent a nuclear criticality accident, and has been in this state for greater than eight hours.”

(6) In paragraph (b) of Appendix A to 10 CFR part 70, change the time requirement to submit written reports on events reported to the NRC Operations Center within 24 hours of discovery, supplemented with the information in 10 CFR 70.50(c)(1) as it becomes available, from 30 days to 60 days.

(7) Revise paragraph (b)(3) of Appendix A to 10 CFR part 70 to read, “An acute chemical exposure to an individual inside the controlled area from licensed material or hazardous chemicals produced from licensed materials that requires medical treatment at an off-site medical facility.”

(8) In paragraph (b)(4) of Appendix A to 10 CFR part 70, remove “or may have affected” to clarify the NRC’s expectation on reporting any natural phenomenon or other external event, including fires internal and external to the facility.