# Notices

Federal Register
Vol. 86, No. 80
Wednesday, April 28, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

April 23, 2020.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by May 28, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**Forest Service**

*Title:* Federal Excess Personal and Firefighter Property Program Administration.

*OMB Control Number:* 0596–0223.

*Summary of Collection:* Federal Excess Personal Property (FEPP) and Firefighter Property (FFP) programs provide state (including US territories) forestry agencies the opportunity to obtain excess Department of Defense and other Federal agencies equipment and supplies to be used in firefighting and emergency services. The authority to provide excess supplies to state agencies comes from Federal Property and Administration Services Act of 1949, as amended, 40 U.S.C., Sec 202. Authority to loan excess supplies comes from 10 U.S.C., Subtitle A, Part IV, Chapter 153, 2576b grants the authority for the FFP.

*Need and Use of the Information:* The Forest Service (FS) ''Federal Excess Property Management Information System (FEPMIS) database allows the FS to collect FEPP and FFP information used to manage property inventory electronically. Access to the database is limited to those state employees with access authorized by FS Management Officers working in the fire and Aviation staff. Each state designates an Accountable Officer who is responsible for the integrity of the program within their respective state and completing the necessary documentation for each program in which the state participates. For this reason FEPP and FFP collects the state forestry agency contact information and the information of the Accountable Officer. Cooperative Agreement forms FS–3100–10 and/or FS–3100–11 are used to collect the required information from the participating state agency that outlines the requirements and rules for the cooperation. Participating state agencies must submit separate agreements if they desire to participate in both programs.

*Description of Respondents:* State and local government.

*Number of Respondents:* 76.

*Frequency of Responses:* Recordkeeping; Reporting: Annual.

*Total Burden Hours:* 600.

**Levi S. Harrell,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021–08821 Filed 4–27–21; 8:45 am]
**BILLING CODE 3411–15–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

**[Docket No. APHIS–2020–0021]**

### Bayer; Notice of Intent To Prepare an Environmental Impact Statement for Determination of Nonregulated Status for Maize Developed Using Genetic Engineering for Dicamba, Glufosinate, Quizalofop, and 2,4-Dichlorophenoxyacetic Acid Resistance, With Tissue-Specific Glyphosate Resistance Facilitating the Production of Hybrid Maize Seed

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

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service (APHIS) plans to prepare an environmental impact statement (EIS) regarding a request from Bayer seeking a determination of nonregulated status for maize developed using genetic engineering for dicamba, glufosinate, quizalofop, and 2,4-dichlorophenoxyacetic acid resistance with tissue-specific glyphosate resistance facilitating the production of hybrid maize seed. APHIS is requesting public comment to help identify alternatives, and relevant information, studies, and/or analyses APHIS should consider in the EIS.

**DATES:** We will consider all comments that we receive on or before May 28, 2021.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2020–0021 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0021, Regulatory Analysis and Development, PPD, APHIS, Station

3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The petition and any comments we receive on this docket may be viewed at *www.regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Cindy Eck, Biotechnology Regulatory Services, APHIS, 4700 River Road, Unit 147, Riverdale, MD 20737–1236; phone (301) 851–3892; email: *cynthia.a.eck@aphis.usda.gov.*

**SUPPLEMENTARY INFORMATION:**

## Purpose and Need for the Proposed Action

Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Movement of Organisms Modified or Produced Through Genetic Engineering,'' regulate, among other things, the importation, interstate movement, or release into the environment of organisms modified or produced through genetic engineering that are plant pests or pose a plausible plant pest risk.

The petition for nonregulated status described in this notice is being evaluated under the version of the regulations effective at the time that it was received. Animal and Plant Health Inspection Service (APHIS) issued a final rule, published in the **Federal Register** on May 18, 2020 (85 FR 29790–29838, Docket No. APHIS–2018–0034),[1] revising 7 CFR part 340; however, the final rule is being implemented in phases. The new Regulatory Status Review (RSR) process, which replaces the petition for determination of nonregulated status process, became effective on April 5, 2021 for corn, soybean, cotton, potato, tomato, and alfalfa. The RSR process is effective for all crops as of October 1, 2021. However, ''[u]ntil RSR is available for a particular crop . . . APHIS will continue to receive petitions for determination of nonregulated status for the crop in accordance with the [legacy] regulations at 7 CFR 340.6.'' (85 FR 29815). This petition for a determination of nonregulated status is being evaluated in accordance with the regulations at 7 CFR 340.6 (2020) as it was received by APHIS December 11, 2019.

Bayer has submitted a petition (APHIS Petition Number 19–316–01p) to APHIS seeking a determination of nonregulated status for a maize[2] (identified as MON 87429) which has been developed using genetic engineering for dicamba, glufosinate, quizalofop, and 2,4-dichlorophenoxyacetic acid (2,4-D) resistance with tissue-specific glyphosate resistance facilitating the production of hybrid maize seed. The Bayer petition stated that MON 87429 maize is unlikely to pose a plant pest risk and, therefore, should not be regulated under APHIS' regulations in 7 CFR part 340.

According to our process[3] for soliciting public comment when considering petitions for determination of nonregulated status of regulated organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. On May 8, 2020, APHIS announced the availability of the Bayer petition for public comment in the **Federal Register**[4] (85 FR 27354–27355, Docket No. APHIS–2020–0021). APHIS solicited comments on the petition for 60 days ending July 7, 2020, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition. We received 4,112 comments by the close of the comment period.

Based on comments received on the petition and new information that APHIS became aware of after our May 8, 2020 **Federal Register** publication, we have determined that an environmental impact statement (EIS), as opposed to an environmental assessment (EA), is the appropriate National Environmental Policy Act (NEPA) analysis for the Bayer petition. Specifically, APHIS became aware of new information regarding potential issues with dicamba spray drift and volatilization and associated potential economic impacts, and the Environmental Protection Agency's (EPA) issuance of a cancellation order on June 8, 2020, for three products (Xtendimax with Vaporgrip Technology, EPA Reg. No. 524–6 17, Engenia, EPA Reg. No. 7969–345, and FeXapan, EPA Reg. No. 352–9 13) that contain the active ingredient dicamba. Additionally, on October 27, 2020, EPA approved limited 5-year registrations for two end-use dicamba products and the extension of the registration for one dicamba product (EPA Reg. Nos. 100–1623, 264–1210, and 7969–472).

As part of our evaluation of Bayer's petition, we are planning to prepare an EIS to consider the potential impacts of a determination of nonregulated status for MON 87429 maize on the human environment.[5]

The EIS is being prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) the Council on Environmental Quality's NEPA-implementing regulations (40 CFR parts 1500–1508), (3) USDA's NEPA-implementing regulations (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

## Proposed Action and Alternative the EIS Will Consider

The EIS will analyze both the preferred alternative—approve Bayer's petition for a determination of nonregulated status for MON 87429 maize—and the no action alternative—deny the petition for nonregulated status—both of which will be fully considered. APHIS has developed a list of topics for analysis in the EIS based on issues identified in prior public comments on the petition, prior EAs/EISs for maize varieties developed using genetic engineering, public comments submitted for other EAs/EISs evaluating petitions for nonregulated status, the scientific literature on agricultural biotechnology, and issues identified by APHIS specific to wild and cultivated *Zea mays* (maize) and *Tripsacum* species. The following topics were identified as relevant to the scope of analysis: Agricultural production (acreage and areas of U.S. corn production, agronomic practices and

[1] To view the final rule, go to *www.regulations.gov* and enter APHIS–2018–0034 in the Search field.

[2] Maize is the common botanical term used globally for the cereal plant Zea mays. In the United States, maize is also referred to as corn. Both terms are used interchangeably in this document. For consistency with the common plant name and petition, APHIS uses the term maize, but also refers to corn in certain instances, such as in reference to food products.

[3] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *www.regulations.gov* and enter APHIS–2011–0129 in the Search field.

[4] To view the notice, its supporting documents, or the comments that we received, go to *www.regulations.gov* and enter APHIS–2020–0021 in the Search field.

[5] Human environment means comprehensively the natural and physical environment and the relationship of present and future generations of Americans with that environment. Impacts/effects include ecological (such as effects on natural resources, and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic (such as the effects on employment), social, or health effects (see 40 CFR 1508.1).

inputs); physical environment (soils, water resources, air quality); biological resources (soil biota, animal communities, plant communities, herbicide-resistant weeds, gene flow and weediness, biodiversity); public health and worker safety; animal health and welfare; and socioeconomic considerations. In addition, potential impacts on threatened and endangered species will be evaluated.

**Summary of Potential Impacts**

APHIS anticipates the primary potential impacts of the proposed action will be on agronomic practices and inputs. Agronomic impacts may include changes in: Herbicide use in U.S. corn crops, weed and herbicide resistant (HR) weed management practices, and the control of HR weeds. In recent years, the use of dicamba-based herbicides has resulted in instances of significant economic impact on neighboring crop and orchard fields because of unintended drift and volatilization of the herbicide. Potential economic impacts associated with the use of dicamba-based herbicides will also be considered.

**Anticipated Permits and Authorizations**

MON 87429 maize, if deregulated, could be cultivated to produce food, feed, fuel, and industrial products, subject to any EPA and/or U.S. Food and Drug Administration (FDA) requirements under the Coordinated Framework.[6] For example, any pesticide registration and use with MON 87429 maize would be subject to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*) and EPA requirements. Any human or animal food derived from MON 87429 maize would be subject to the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. 301 *et seq.*) and FDA requirements. Bayer may voluntarily consult with the FDA to ensure compliance with the FFDCA.

**Public Scoping Process**

As previously discussed, APHIS seeks public comment on petitions deemed complete through notices published in the **Federal Register**. In accordance with our process, on May 8, 2020, APHIS solicited comments on the petition for 60 days ending July 7, 2020. We received 4,112 comments on the petition by the close of the comment period from the academic sector, farmers, non-governmental organizations, nonprofit organizations, industry, private citizens, and a tribal nation.

APHIS is seeking additional public comment on this notice of intent to prepare an EIS to help identify potential alternatives, and relevant information, studies, and/or analyses that APHIS should consider in evaluating the potential impacts of the proposed action on the quality of the human environment. Those who have already submitted comments on the Bayer petition need not resubmit—APHIS will consider these comments in development of the EIS. To promote informed NEPA analysis and decision-making, comments should be as specific as possible and explain why the issues raised are important for consideration in the EIS. Comments should include, where possible, references and data sources supporting the information provided in the comment. We encourage the submission of scientific data, studies, or research to support your comments.

APHIS will accept written comments regarding the EIS for the Bayer petition for a period of 30 days from the date of this notice. The petition is available for public review, and copies are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

**Schedule for the Decision-Making Process**

As part of the decision-making process in responding to the petition, APHIS is preparing an EIS and a Plant Pest Risk Assessment (PPRA). APHIS plans to complete the PPRA within 6 months, and the EIS and record of decision within 2 years of the date of this notice. Note that this schedule is tentative, and the time frame could be extended.

**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 23rd day of April 2021.

**Michael Watson,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2021–08879 Filed 4–27–21; 8:45 am]

**BILLING CODE 3410–34–P**

[6] See Coordinated Framework. U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Biotechnology Regulatory Services, *https://usbiotechnologyregulation.mrp.usda.gov/biotechnologygov/home/.*

## COMMISSION ON CIVIL RIGHTS

### Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

**AGENCY:** Commission on Civil Rights.

**ACTION:** Announcement of public meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the South Dakota State Advisory Committee to the Commission will convene a meeting on May 19, 2021 at 3:00 p.m. (CT). The purpose of the meeting is for final review and vote on the draft report on Maternal Mortality and Health Disparities of American Indian Women in South Dakota.

**DATES:** Wednesday, May 19, 2021 at 3:00 p.m. (CT).

**ADDRESSES:** Public Web Conference Registration Link (video and audio): *https://bit.ly/3eoX6To;* password, if needed: USCCR.

*If Joining by Phone Only, Dial:* 1–800–360–9505; access code: 199 390 2377.

**FOR FURTHER INFORMATION CONTACT:** Mallory Trachtenberg at *mtrachtenberg@usccr.gov* or by phone at (202) 809–9618.

**SUPPLEMENTARY INFORMATION:** The meeting is available to the public through the web link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with conference details found through registering at the web link above. To request other accommodations, please email *mtrachtenberg@usccr.gov* at least 7 days prior to the meeting for which accommodations are requested.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at *mtrachtenberg@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (202) 809–9618. Records and documents discussed during the meeting will be available for public viewing as they become available at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Regional Programs Unit at the above phone number or email address.