

requiring naturally contaminated samples in evaluating test kit performance.

Other Comments

Seven stakeholders made comments, which were beyond the scope of the changes proposed by AMS. These comments included recommendations to modify the minimum ranges of concentrations for aflatoxins and deoxynivalenol, to change the test kit certificate expiration period from three to five years, to revise the study design for the performance verification, to require all participants to use reference materials from one provider, and for AMS to provide guidance or recommendations on extraction procedures. AMS may engage stakeholders for further information about these recommendations and consider them in future program improvements.

Melissa Bailey,

Associate Administrator, Agricultural Marketing Service.

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2020-0030]

State University of New York College of Environmental Science and Forestry; Availability of a Draft Environmental Impact Statement and Draft Plant Pest Risk Assessment for Determination of Nonregulated Status for Blight-Tolerant Darling 58 American Chestnut (*Castanea dentata*) Developed Using Genetic Engineering

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has prepared a draft environmental impact statement (EIS) and draft plant pest risk assessment (PPRA) evaluating the potential environmental impacts and plant pest risk that may result from the approval of a petition for nonregulated status for blight-tolerant Darling 58 American chestnut (*Castanea dentata*) from the State University of New York College of Environmental Science and Forestry. The trees have been developed using genetic engineering to express an oxalate oxidase enzyme from wheat as a defense against the fungal pathogen *Cryphonectria parasitica*, making

Darling 58 American chestnut tolerant to chestnut blight. We are making the draft EIS and draft PPRA available for public review and comment.

DATES: We will consider all comments that we receive on or before December 27, 2022.

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

- *Federal eRulemaking Portal:* Go to www.regulations.gov. Enter APHIS-2020-0030 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-2020-0030, 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 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: Mr. Subray Hegde, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737-1238; (301) 851-3901; email: subray.hegde@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the plant pest provisions of the Plant Protection Act, as amended (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 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, this petition (APHIS Petition Number 19-309-01p)² for a determination of

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

² To view the petition, go to <https://www.aphis.usda.gov/aphis/ourfocus/biotechnology/regulatory-processes/petitions/petition-status>.

nonregulated status is being evaluated in accordance with the regulations at 7 CFR 340.6 (2020), which were effective at the time it was received by APHIS on January 21, 2020.

APHIS received a petition from the State University of New York College of Environmental Science and Forestry (ESF) seeking a determination of nonregulated status for blight-tolerant Darling 58 American chestnut (*Castanea dentata*). The petition states that Darling 58 American chestnut 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 process³ 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 August 19, 2020, we announced in the **Federal Register** (85 FR 51008-51009, Docket No. APHIS-2020-0030) the availability of the blight-tolerant chestnut petition for public comment.⁴ We solicited comments on the petition for 60 days to help us identify potential environmental and interrelated economic issues and impacts that APHIS should consider in evaluation of the petition. We received 4,320 comments on the petition from the academic sector, farmers, non-governmental organizations, nonprofit organizations, industry, tribes, and unaffiliated individuals.

As part of our evaluation of the petition and consideration of public comments, APHIS concluded that the proposed determination of nonregulated status has the potential to significantly affect the quality of the human environment.⁵ In a notice⁶ published in the **Federal Register** on August 6, 2021

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 organisms developed using genetic engineering. To view the notice, go to www.regulations.gov and enter APHIS-2011-0129 in the Search field.

⁴ To view the notice, supporting documents, and the comments that we received, go to www.regulations.gov and enter APHIS-2020-0030 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).

⁶ To view the notice and the comments we received, go to www.regulations.gov and enter APHIS-2020-0030 in the Search field.

(86 FR 43160–43162, Docket No. APHIS–2020–0030), APHIS announced its intention to prepare an environmental impact statement (EIS) to conduct the level of detailed and rigorous environmental analysis to make an informed decision about the proposed determination of nonregulated status for Darling 58 American chestnut.

APHIS solicited public comment for a period of 30 days ending September 7, 2021, as part of its scoping process to identify issues to address in the draft EIS. We received a total of 3,964 public comments. Issues most frequently cited in public comments on the notice concerning Darling 58 American chestnut included the following:

- Potential for gene flow to wild relatives;
- Potential to spread and become invasive;
- Potential non-target impacts, specifically to beneficial fungi, the microbiome, mycorrhizal networks, and the forest ecosystem;
- Potential impacts to wildlife, including pollinators, and threatened and endangered species; and
- Potential human health impacts from consuming nuts as well as potential allergies from pollen.

The issues discussed in the draft EIS were developed by considering the public input from the **Federal Register** notice announcing the intention to draft an EIS. APHIS evaluated these issues to analyze the potential environmental impacts of a determination of nonregulated status for Darling 58 American chestnut and included a discussion of these issues in the draft EIS.

Therefore, in accordance with the National Environmental Policy Act (NEPA), APHIS' NEPA Implementing Procedures (7 CFR part 372), and 7 CFR part 340, APHIS is making available the draft EIS, as well as a draft plant pest risk assessment, for a 45-day public review and comment period. The draft EIS and draft PPRA are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

A notice of availability regarding the draft EIS will also be published by the Environmental Protection Agency in the **Federal Register**.

Done in Washington, DC, this 2nd day of November 2022.

Anthony Shea,

Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Agency Information Collection Activities: Comment Request

AGENCY: National Agricultural Statistics Service, U.S. Department of Agriculture.

ACTION: Notice.

SUMMARY: The National Agricultural Statistics Service (NASS) within US Department of Agriculture (USDA) invites the general public and other Federal agencies to comment on a proposed information collection. NASS plans to collect information from the public to fulfill its data security requirements when providing access to restricted use data for the purpose of evidence building. NASS's data security agreements and other paperwork along with the corresponding security protocols allow NASS to maintain careful controls on confidentiality and privacy, as required by law. The purpose of this notice is to allow for 60 days of public comment on the proposed data security information collection, prior to submission of the information collection request (ICR) to the Office of Management and Budget (OMB).

DATES: Written comments on this notice must be received by January 9, 2023 to be assured of consideration. Comments received after that date will be considered to the extent practicable. Send comments to the address below.

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the National Agricultural Statistics Service (NASS), including whether the information will have practical utility; (b) the accuracy of NASS's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, use, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) 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 or other forms of information technology.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- *Email:* ombofficer@nass.usda.gov. Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.

- *Mail:* Mail any paper, disk, or CD–ROM submissions to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

- *Hand Delivery/Courier:* Hand deliver to: Richard Hopper, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT:

Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from Richard Hopper, NASS—OMB Clearance Officer, at (202) 720–2206 or at ombofficer@nass.usda.gov.

SUPPLEMENTARY INFORMATION: The Foundations for Evidence-Based Policymaking Act of 2018 mandates that the Office of Management and Budget (OMB) establish a Standard Application Process (SAP) for requesting access to certain confidential data assets. While the adoption of the SAP is required for statistical agencies and units designated under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA), it is recognized that other agencies and organizational units within the Executive branch may benefit from the adoption of the SAP to accept applications for access to confidential data assets. The SAP is to be a process through which agencies, the Congressional Budget Office, State, local, and Tribal governments, researchers, and other individuals, as appropriate, may apply to access confidential data assets held by a federal statistical agency or unit for the purposes of developing evidence. With the Interagency Council on Statistical Policy (ICSP) as advisors, the entities upon whom this requirement is levied are working with the SAP Project Management Office (PMO) and with OMB to implement the SAP. The SAP Portal is to be a single web-based common application for the public to request access to confidential data assets from federal statistical agencies and units. The National Center for Science and Engineering Statistics (NCSES), within the National Science Foundation (NSF), submitted a Federal Register Notice in September 2022 announcing plans to collect information through the SAP Portal (87 FR 53793).

Once an application for confidential data is approved through the SAP Portal, the National Agricultural