

active against *D. virgifera virgifera* and certain other coleopteran pests of corn. The native Cry1Ab from *B. thuringiensis* subsp. *kurstaki* is active against certain lepidopteran pests, however, the portion of Cry1Ab included in eCry3.1Ab does not retain activity against lepidopterans. The transgene *pat-08* was derived from the soil bacterium *Streptomyces viridochromogenes*. The PAT enzyme deactivates glufosinate herbicides thus conferring glufosinate resistance to the plants. PAT was also used as a selectable marker in the development of MZIR098 corn. The antecedent organism, Pioneer 4114 corn, was similarly genetically engineered to produce proteins which have the same mechanisms of action as do the proteins produced in MZIR098 corn. Based on the information in the request, we have concluded that MZIR098 corn is similar to Pioneer 4114 corn. MZIR098 corn is currently regulated under 7 CFR part 340.

As part of our decisionmaking process regarding a GE organism's regulatory status, APHIS evaluates the plant pest risk of the article. In section 403 of the PPA, "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS completed a plant pest risk assessment (PPRA) on the antecedent organism in which we concluded that Pioneer 4114 corn is unlikely to present plant pest risks. APHIS also prepared a plant pest risk similarity assessment (PPRSA) to compare MZIR098 to the antecedent. As described in the PPRSA, the proteins expressed in MZIR098 corn are similar to those expressed in Pioneer 4114 corn, and APHIS has concluded that the proteins expressed in Pioneer 4114 corn are unlikely to pose a plant health risk. Furthermore, the Environmental Protection Agency reviewed the safety of the proteins expressed in MZIR098 corn and concluded that there would "no unreasonable adverse effects on the environment" from exposures to these proteins. Therefore, based on our PPRA for Pioneer 4114 corn and the similarity between Pioneer 4114 corn and MZIR098 corn as described in the PPRSA, APHIS has concluded that the proteins expressed in MZIR098 corn are unlikely to pose a plant pest risk.

In addition, APHIS has carefully examined the existing National Environmental Policy Act (NEPA)

documentation completed for Pioneer 4114 corn and has concluded that Syngenta's request to extend a determination of nonregulated status to MZIR098 corn encompasses the same scope of environmental analysis as Pioneer 4114 corn. Therefore, based on the similarity of MZIR098 corn to Pioneer 4114 corn, APHIS has prepared a preliminary finding of no significant impact (FONSI) on MZIR098 corn. The FONSI was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b); and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of MZIR098 corn and it would continue to be a regulated article, or (2) make a determination of nonregulated status of MZIR098 corn. APHIS' preferred alternative is to make a determination of nonregulated status of MZIR098 corn.

APHIS has analyzed information submitted by Syngenta, references provided in the extension request, peer-reviewed publications, and information in the NEPA documentation prepared for the antecedent organism. APHIS has also analyzed information in the PPRA for the antecedent organism and other information. Based on APHIS' analysis of this information and the similarity of MZIR098 corn to the antecedent organism Pioneer's 4114 corn, APHIS has determined that MZIR098 corn is unlikely to pose a plant pest risk. We have therefore reached a preliminary decision to approve the request to extend the determination of nonregulated status of Pioneer 4114 corn to MZIR098 corn, whereby MZIR098 corn would no longer be subject to our regulations governing the introduction of certain genetically engineered organisms.

Paragraph (e) of § 340.6 provides that APHIS will publish a notice in the **Federal Register** announcing all preliminary decisions to extend determinations of nonregulated status for 30 days before the decisions become final and effective. In accordance with § 340.6(e) of the regulations, we are publishing this notice to inform the public of our preliminary decision to extend the determination of nonregulated status of Pioneer 4114 corn to MZIR098 corn.

APHIS will accept written comments on the preliminary FONSI regarding a

determination of nonregulated status of MZIR098 corn for a period of 30 days from the date this notice is published in the **Federal Register**. The preliminary FONSI, as well as the extension request, supporting documents, and our preliminary determination with appended PPRSA for MZIR098 corn, are available for public review as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. All comments will be available for public review. After reviewing and evaluating the comments, if APHIS determines that no substantive information has been received that would warrant APHIS altering its preliminary regulatory determination or FONSI, our preliminary regulatory determination will become final and effective upon notification of the public through an announcement on our Web site at [http://www.aphis.usda.gov/biotechnology/petitions\\_table\\_pending.shtml](http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml). APHIS will also furnish a response to the petitioner regarding our final regulatory determination. No further **Federal Register** notice will be published announcing the final regulatory determination regarding MZIR098 corn.

**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 10th day of February 2016.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2016–03193 Filed 2–16–16; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0048]

#### **Monsanto Co.; Availability of a Preliminary Plant Pest Risk Assessment, Draft Environmental Assessment, Preliminary Finding of No Significant Impact, and Preliminary Determination of Nonregulated Status for Maize Genetically Engineered for Resistance to Dicamba and Glufosinate**

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public that the Animal and Plant Health Inspection Service has prepared a preliminary determination regarding a request from Monsanto Co. seeking a determination of nonregulated status for maize designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate. We are also making available for public review and comment our preliminary plant pest risk assessment, draft environmental assessment, and preliminary finding of no significant impact for the preliminary determination of nonregulated status.

**DATES:** We will consider all comments that we receive on or before March 18, 2016.

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

- Federal eRulemaking Portal: Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048>.

- Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2015–0048, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents for this petition and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048> or in our reading room, which is located in room 1141 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) 7997039 before coming.

Supporting documents for this petition are also available on the APHIS Web site at [http://www.aphis.usda.gov/biotechnology/petitions\\_table\\_pending.shtml](http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml) under APHIS Petition Number 15–113–01p.

**FOR FURTHER INFORMATION CONTACT:** Dr. John Turner, Director, Biotechnology Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3954, email: [john.t.turner@aphis.usda.gov](mailto:john.t.turner@aphis.usda.gov). To obtain copies of the petition, contact Ms. Cindy Eck at (301) 851–3892, email: [cynthia.a.eck@aphis.usda.gov](mailto:cynthia.a.eck@aphis.usda.gov).

**SUPPLEMENTARY INFORMATION:** 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, “Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to

Believe Are Plant Pests,” regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered “regulated articles.”

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 15–113–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of maize (*Zea mays*) designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate. The Monsanto petition states that information collected during field trials and laboratory analyses indicates that MON 87419 maize is not likely to be a plant pest and therefore should not be a regulated article under APHIS’ regulations in 7 CFR part 340.

According to our process<sup>1</sup> for soliciting public comment when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice<sup>2</sup> published in the **Federal Register** on August 13, 2015 (80 FR 48489–48490, Docket No. APHIS–2015–0048), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on October 13, 2015, 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. APHIS received 21 comments on the petition, one of which included over 23,000 signatures opposing the petition. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion

<sup>1</sup> 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 <http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129>.

<sup>2</sup> To view the notice, the petition, and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0048>.

of these issues in our draft environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public review process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS’ preliminary regulatory determination along with its draft EA, preliminary finding of no significant impact (FONSI), and its preliminary plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period. For this petition, we are using Approach 1.

Had APHIS decided, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues, APHIS would follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and preliminary PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and preliminary PPRA and other information, APHIS would revise the preliminary PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement).

As part of our decisionmaking process regarding a GE organism’s regulatory status, APHIS prepares a PPRA to assess the plant pest risk of the article. APHIS also prepares the appropriate environmental documentation—either an EA or an environmental impact statement—in accordance with NEPA, to provide the Agency and the public with a review and analysis of any potential environmental impacts that may result if the petition request is approved.

APHIS has prepared a preliminary PPRa and has concluded that maize designated as event MON 87419, which has been genetically engineered for resistance to the herbicides dicamba and glufosinate, is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, "plant pest" is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by Monsanto, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, *i.e.*, APHIS would not change the regulatory status of maize designated as event MON 87419, or (2) make a determination of nonregulated status of maize designated as event MON 87419.

The draft EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our draft EA and other pertinent scientific data, APHIS has prepared a preliminary FONSI with regard to the preferred alternative identified in the draft EA.

Based on APHIS' analysis of field and laboratory data submitted by Monsanto, references provided in the petition, peer-reviewed publications, information analyzed in the draft EA, the preliminary PPRa, comments provided by the public on the petition, and discussion of issues in the draft EA, APHIS has determined that maize designated as event MON 87419 is unlikely to pose a plant pest risk. We have therefore reached a decision to make a preliminary determination of nonregulated status of maize designated as event MON 87419, whereby maize designated as event MON 87419 would no longer be subject to our regulations governing the introduction of certain GE organisms.

We are making available for a 30-day review period APHIS' preliminary regulatory determination of maize designated as event MON 87419, along with our preliminary PPRa, draft EA,

and preliminary FONSI for the preliminary determination of nonregulated status. The draft EA, preliminary FONSI, preliminary PPRa, and our preliminary determination for maize designated as event MON 87419, as well as the Monsanto petition and the comments received on the petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above. Copies of these documents may also be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

After the 30-day review period closes, APHIS will review and evaluate any information received during the 30-day review period. If, after evaluating the information received, APHIS determines that we have not received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the draft EA, or substantially changing the analysis of impacts in the draft EA, APHIS will notify the public through an announcement on our Web site of our final regulatory determination. If, however, APHIS determines that we have received substantive new information that would warrant APHIS altering our preliminary regulatory determination or FONSI, substantially changing the proposed action identified in the draft EA, or substantially changing the analysis of impacts in the draft EA, then APHIS will conduct the additional analysis and prepare an amended EA, a new FONSI, and/or a revised PPRa, which would be made available for public review in a subsequent notice in the **Federal Register**, similar to an Approach 2 petition. APHIS will also notify the petitioner.

**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 10th day of February 2016.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Ochoco National Forest, Lookout Mountain Ranger District; Oregon; Ochoco Summit Trail System Project Supplemental EIS

**AGENCY:** Forest Service, USDA.

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

**SUMMARY:** The Ochoco National Forest is preparing a supplemental environmental impact statement (EIS) to analyze the effects of changing the existing motorized trail system to create and designate a sustainable system of roads, trails and areas open to motor vehicles that will provide legal public access, enhance regulation of unmanaged wheeled motor vehicle travel, protect resources, and decrease conflicts between motorized and non-motorized use on the Ochoco National Forest. Consistent with the Ochoco National Forest Land and Resource Management Plan, as amended, this action is needed to provide to the public a diversity of road and trail opportunities for experiencing a variety of environments and modes of travel. The original notice of intent to prepare an environmental impact statement was published in the **Federal Register** on November 20, 2009 (74 FR 60235–60236). The supplemental environmental impact statement is being prepared because a 2014 wildfire in the project area changed the conditions initially analyzed so that additional analysis was required, and because the responsible official desired to have additional discussions with stakeholders prior to making a decision. The Ochoco Summit Trail System decision and the reasons for the decision will be documented in the record of decision. That decision will be subject to the Forest Service Project-level Predecisional Administrative Review Process (36 CFR part 218).

**DATES:** The supplemental draft environmental impact statement is expected to be completed and available for public comment in February 2016. The final environmental impact statement is expected to be completed in the fall of 2016.

**ADDRESSES:** Ochoco Summit Trail System Planning Team, Ochoco National Forest, 3160 NE Third Street, Prineville, Oregon 97754.

**FOR FURTHER INFORMATION CONTACT:** Marcy Anderson, Project Leader, at 3160 NE Third Street, Prineville, Oregon 97754, or at (541) 416–6463, or by email at [marcelleanderson@fs.fed.us](mailto:marcelleanderson@fs.fed.us).

Dated: February 10, 2016.

**Stacey L. Forson,**  
*Forest Supervisor.*

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