

information available along with the draft PPRA and draft EA for public comment.

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 draft 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.

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 substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft PPRA and draft EA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft PPRA and draft EA and other information, APHIS will revise the 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). For this petition, we are using Approach 2.

APHIS has prepared a draft PPRA and has concluded that HB4 soybean designated as event IND-00410-5, which has been genetically engineered for increased yield and resistance to the herbicide 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 Verdeca, 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 HB4 soybean designated as event IND-00410-5, or (2) make a determination of nonregulated status of HB4 soybean designated as event IND-00410-5.

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) U.S. Department of Agriculture regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments on our draft PPRA and our draft EA regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 30 days from the date of this notice. Copies of the draft PPRA and the draft EA, as well as the previously published petition, are available as indicated under **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** above.

After the 30-day comment period closes, APHIS will review and evaluate any information received during the comment period and any other relevant information. After reviewing and evaluating the comments on the draft PPRA and the draft EA and other information, APHIS will revise the PPRA as necessary and prepare a final EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, based on APHIS' conclusions in the PPRA, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final PPRA, EA, FONSI, and our regulatory determination.

**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 7th day of March 2019.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

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**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### Current and Anticipated Future Spectrum Requirements for Commercial Agriculture, Forestry, Mining, and Rural Manufacturing

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice of inquiry and request for comments.

**SUMMARY:** The Farm Service Agency (FSA), an agency of the United States Department of Agriculture (USDA), invites comment on the radio spectrum requirements of commercial agriculture, forestry, mining, and rural manufacturing. The information received will advise USDA regarding non-Federal spectrum policy needs in rural settings and offer insight into the technology needs and potential applications in commercial agriculture. **DATES:** Comments are due on or before 5 p.m. Eastern Daylight Time on April 1, 2019.

**ADDRESSES:** We invite you to submit comments on this notice. In your comments, specify "Spectrum Requirements." You may submit comments by the following method:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and, in the lower "Search Regulations and Federal Actions" box, select "Farm Service Agency" from the agency drop-down menu, then click on "Submit."

Information on using *Regulations.gov*, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's "User Tips" link.

*Other Information:* Additional information about Farm Service Agency and its programs is available on the internet at [www.fsa.usda.gov](http://www.fsa.usda.gov).

All written comments received will be publicly available on [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

Andrew Fisher; phone: (202) 692-5298 or email: [Andrew.Fisher@osec.usda.gov](mailto:Andrew.Fisher@osec.usda.gov). Persons with disabilities who require alternative means for communication

should contact the USDA Target Center at (202) 720-2600 (voice).

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 25, 2018, President Donald Trump issued a Presidential Memorandum, directing the development of a sustainable spectrum strategy for America's future. The Presidential Memorandum stated that it "is the policy of the United States to use radio frequency spectrum (spectrum) as efficiently and effectively as possible to help meet our economic, national security, science, safety, and other Federal mission goals now and in the future" using "a balanced, forward-looking, flexible, and sustainable approach to spectrum management."

Section 2 of the Presidential Memorandum directs Executive Departments and agencies to report to the National Telecommunications Information Administration (NTIA) on their anticipated future spectrum requirements and to initiate a review of their current frequency assignments and quantification of their spectrum usage. Section 2 also directs the Office of Science and Technology Policy (OSTP) to submit separate reports to the President "on emerging technologies and their expected impact on non-Federal spectrum demand" and "on recommendations for research and development priorities that advance spectrum access and efficiency." Section 4 of the Presidential Memorandum also calls for development of a long-term National Spectrum Strategy and Section 5 establishes a Spectrum Strategy Task Force.

USDA invites comment on the radio spectrum demands of commercial agriculture, forestry, mining, and rural manufacturing and for any potential future USDA support of these economic activities. USDA will review the information obtained through comments to advise its development of a report to NTIA on anticipated future spectrum requirements, and to provide input to OSTP on emerging technologies in rural settings and their expected impact on non-Federal spectrum demand and on recommendations for research and development priorities that advance spectrum access and efficiency.

The information sought in this Notice of Inquiry will also provide USDA with additional insight into the technology needs and potential applications for farmers, ranchers, foresters and others who use advanced agriculture technology in operations and management. These tools are considered essential for American producers to

meet world demand for agricultural products in the future. Accordingly, the importance of broadband service—wired and wireless—to farms was recognized as part of the scoring criteria for the recently-announced USDA ReConnect Broadband program. The program is being administered as a pilot to demonstrate various policies to incentivize private sector deployment of infrastructure for high-speed internet connectivity in rural areas. Lessons learned in the pilot program, including effective methods to connect farmland and rangeland to broadband, can be applied to the implementation of future programs, including those in the Agriculture Improvement Act of 2018.

**Request for Comments**

USDA requests responses to questions concerning spectrum requirements for non-Federal spectrum users and what USDA can do to improve technology availability in rural areas. These relate to current frequency assignments, potential future spectrum requirements, quantification of spectrum usage, and non-Federal spectrum needs for emerging technologies in commercial agriculture, mining, forestry, rural manufacturing, and broadband connectivity. Comments are also requested concerning research and development efforts that advance rural spectrum access and efficiency. Comments are requested from all stakeholders with an interest in current and anticipated rural spectrum needs. Commenters are not required to respond to all the questions and may provide responsive comments to any one or more of the questions posed below. Specifically, USDA requests comments on the following:

(1) What are current and emerging uses for licensed and unlicensed wireless communication technologies in commercial agriculture, mining, forestry, rural manufacturing, and broadband connectivity to rural homes and businesses, and what are their economic benefits? What impact, if any, may these emerging uses have on USDA spectrum allocations? Please provide examples that support the comment when available.

(2) What frequencies are currently being utilized in rural areas or are expected to be used in the future and for what non-Federal purpose? Are frequency bandwidths sufficient to meet current and emerging demands for greater data communications throughput, including adequate speed, latency, reliability, energy efficiency, mobility and connection density?

(3) What level and type of growth in spectrum demand is expected in rural

areas (including licensed and unlicensed) and frequency bands (low, mid and high-band), and where might that growth occur?

(4) How does the level of fiber deployment in low-density areas affect the spectrum allocation and frequency assignment needs (low, middle, high) in those areas? Please offer public policy options to meet these needs.

(5) Are there frequencies that, if practicable, should be protected from encroachment or interference? Please provide information on the frequencies that need such protection. What would be the economic impact for withholding use of these frequencies?

(6) What are the current and anticipated uses of traditional manned aircraft and Unmanned Aircraft Systems (UAS) to support commercial agriculture, mining, forestry, and rural manufacturing, their economic benefit and how will their use impact rural spectrum demand because of use of spectrum for control and data transmission? If viable and practicable, would it be beneficial or detrimental to allocate portions of the spectrum be designated for licensed commercial and government UAS activities? If so, what would be the benefits or drawbacks be for licensed operations rather than currently largely unlicensed UAS activities?

(7) What research and development efforts are being made to advance access to fixed and mobile wireless technologies in rural areas? Identify public policy options that could be considered for increasing these research and development activities.

(8) What are other relevant facts, factors and concerns involving current and anticipated future spectrum requirements for commercial agriculture, forestry, mining, and rural manufacturing and their implications for USDA? Provide any details and case studies that may be available.

(9) What USDA spectrum changes may be required to allow the agency to implement programs to support agriculture, mining, and forestry?

(10) USDA requests information about options to create flexible models for spectrum management, including incentives, standards, and enforcement mechanisms, that promote efficient and effective spectrum use to benefit rural America and drive innovation and value to commercial activities in less populated areas.

**William H. Northey,**

*Under Secretary, Farm Production and Conservation.*

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