

# Notices

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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

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2014-0082]

#### Notice of Request for Approval of an Information Collection; Lacey Act; Definitions for Exempt and Regulated Articles

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

**ACTION:** New information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request approval of a new information collection required by the Lacey Act concerning definitions for exempt and regulated articles.

**DATES:** We will consider all comments that we receive on or before December 15, 2014.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/>

- *Postal Mail/Commercial Delivery:*

Send your comment to Docket No. APHIS-2014-0082, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/> <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0082> 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) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the Lacey Act definitions for exempt and regulated articles, contact Ms. Parul Patel, Senior Agriculturalist, Regulations, Permits, and Manuals, PPQ, APHIS, 4700 River Road, Unit 60, Riverdale, MD 20737; (301) 851-2351. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2727.

#### SUPPLEMENTARY INFORMATION:

*Title:* Lacey Act; Definitions for Exempt and Regulated Articles.

*OMB Control Number:* 0579-0XXX.

*Type of Request:* Approval of a new information collection.

*Abstract:* The Lacey Act, as amended, makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of the laws of the United States, a State, an Indian tribe, or any foreign law that protects plants. The Act also makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant covered by the Act.

In addition, section 3 of the Act makes it unlawful to import certain plants and plant products without an import declaration, which must contain, among other things, the scientific name of the plant, value of the importation, quantity of the plant, and name of the country in which the plant was harvested. In addition, there is a supplemental form that must be completed if additional space is needed to declare additional plants and plant products. Also, records of the import declaration and supplemental form must be retained for at least 5 years. These collection activities have been approved by the Office of Management and Budget (OMB) under OMB control number 0579-0349.

Common cultivars and common food crops are among the categorical exclusions to the provisions of the Act. The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) maintains a list of common cultivars and common food crops that is available on the APHIS Web site at [http://www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml). This list is not exhaustive. In fact, in an

interim final rule<sup>1</sup> published in the **Federal Register** on July 9, 2013 (78 FR 40940-40945, Docket No. APHIS-2009-0018), we advised the public that inquiries about specific taxa or commodities and requests to add taxa or commodities to the list, or remove them from the list, be sent in writing to APHIS and include information as to the scientific name of the plant (genus, species), common or trade names, annual trade volume (e.g., cubic meters) or weight (e.g., metric tons/kilograms) of the commodity, and any other information that will help us make a determination, such as countries or regions where grown, estimated number of acres or hectares in commercial production, and so on.

When we listed the above information needs, we inadvertently did not obtain OMB approval nor did we add it to OMB control number 0579-0349. We are asking OMB to approve our use of this information collection for 3 years and assign an OMB control number. Eventually, we will combine this collection with OMB control number 0579-0349, subject to OMB approval.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate 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;

- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 1 hour per response.

*Respondents:* Importers of certain plants and plant products.

<sup>1</sup> To view the interim final rule and the comments we received, go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2009-0018>.

*Estimated annual number of respondents: 5.*

*Estimated annual number of responses per respondent: 1.*

*Estimated annual number of responses: 5.*

*Estimated total annual burden on respondents: 5 hours.* (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 8th day of October 2014.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2014-24530 Filed 10-14-14; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2014-0080]

#### Notice of Request for Revision to and Extension of Approval of an Information Collection; Endangered Species Regulations and Forfeiture Procedures

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

**ACTION:** Revision to and extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for protection of endangered species of terrestrial plants and for procedures related to the forfeiture of plants or other property.

**DATES:** We will consider all comments that we receive on or before December 15, 2014.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0080>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2014-0080, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2014-0080> 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) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the regulations to protect endangered species of terrestrial plants and forfeiture procedures, contact Dr. John Veremis, National CITES Director, PHP, PPQ, APHIS, 4700 River Road, Unit 52, Riverdale, MD 20737; (301) 851-2347. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2727.

#### SUPPLEMENTARY INFORMATION:

*Title:* Endangered Species Regulations and Forfeiture Procedures.

*OMB Control Number:* 0579-0076.

*Type of Request:* Revision to and extension of approval of an information collection.

*Abstract:* Under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the U.S. Department of Agriculture (USDA) is responsible for enforcing provisions of the Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) that pertain to the importation, exportation, or reexportation of plants.

As part of this mission, USDA's Animal and Plant Health Inspection Services (APHIS) administers the regulations in 7 CFR part 355, "Endangered Species Regulations Concerning Terrestrial Plants." In accordance with these regulations, any individual, nursery, or other entity wishing to engage in the business of importing, exporting, or reexporting terrestrial plants listed in the CITES regulations at 50 CFR 17.12 or 23.23 must obtain a protected plant permit from APHIS. Such entities include importers, exporters, or reexporters who sell, barter, collect, or otherwise exchange or acquire terrestrial plants as a livelihood or enterprise engaged in for gain or profit. The requirement does not apply to persons engaged in business merely as carriers or customs house brokers.

To obtain a protected plant permit, entities must complete an application (Plant Protection and Quarantine (PPQ)

Form 621) and submit it to APHIS for approval. When a permit has been issued, the plants covered by the permit may be imported into the United States, exported, or reexported, provided they are accompanied by documentation required by the regulations and all other conditions of the regulations are met.

Effectively regulating entities who are engaged in the business of importing, exporting, or reexporting endangered species of terrestrial plants requires the use of this application process, as well as the use of other information collection activities including, but not limited to, notifying APHIS of the impending importation, exportation, or reexportation of the plants; marking containers used for the importation, exportation, or reexportation of the plants; and creating and maintaining records of importation, exportation, and reexportation.

APHIS also administers regulations at 7 CFR part 356, "Forfeiture Procedures," which sets out procedures for the forfeiture of plants or other property by entities found to be in violation of the Endangered Species Act or the Lacey Act Amendments of 1981 (16 U.S.C. 3371 *et seq.*). Entities whose property is subject to forfeiture may file with APHIS a waiver of forfeiture procedures, a petition for remission or mitigation of forfeiture, or a request for release of property.

The information provided by these information collection activities is critical to APHIS' ability to carry out its responsibilities under the Endangered Species Act and the Lacey Act. These responsibilities include monitoring importation, exportation, and reexportation activities involving endangered species of plants, as well as the investigation of possible violations and the forfeiture of plants or other property. However, since the last approval of this collection, APHIS no longer requires completion of PPQ Form 625 (Claim and Bond) due to implementation of the Civil Asset Forfeiture Reform Act.

We are asking the Office of Management and Budget (OMB) to approve these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate 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;