DEPARTMENT OF AGRICULTURE

Office of the Secretary
[Docket No. APHIS–2012–0104]

Privacy Act Systems of Records; Phytosanitary Certificate Issuance and Tracking System

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a proposed new system of records.

SUMMARY: The Animal and Plant Health Inspection Service proposes to add a system of records to its inventory of records systems subject to the Privacy Act of 1974, as amended. The system of records is the Phytosanitary Certificate Issuance and Tracking System, USDA–APHIS–13. This notice is necessary to meet the requirements of the Privacy Act to publish in the Federal Register notice of new or revised systems of records maintained by the agency. A system of records is a group of any records under the control of any agency, from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) is proposing to add a new system of records, entitled Phytosanitary Certificate Issuance and Tracking (PCIT) System, that will be used to maintain records of activities conducted by the agency pursuant to its mission and responsibilities authorized by the Plant Protection Act (7 U.S.C. 7701 et seq.). Phytosanitary certificates are issued by authorized Federal, State, and county officials. They certify that consignments of plants, plant products, and other regulated articles intended for export have been inspected and meet the phytosanitary import requirements of the foreign country to which they are destined. There is a user fee charge for the inspection and certification services. Phytosanitary certificates accompany shipments to their foreign destinations and are reviewed by officials of the foreign plant protection service before the commodity is allowed entry into their country. U.S. exporters who require phytosanitary certificates for commodities offered for export must apply for them through the PCIT system.

The PCIT system provides a secure mechanism for applicants to provide information, including the name, address, and telephone number of the exporter or exporter’s agent and the foreign consignee, which could be individuals but, in most cases, are companies or organizations. Applicants also must provide information about the articles to be exported. APHIS needs all of this information to evaluate the application, schedule and perform inspections and other phytosanitary activities, and issue phytosanitary certificates. Authorized Federal, State, and county certification officials enter data into the PCIT system regarding inspections, any required treatments, and other phytosanitary activities. The PCIT system also maintains information on user fees paid and accrued, although the system does not contain any financial information about applicants.

Applicants can use the PCIT system not only to apply for phytosanitary certificates, but also to check the status of their applications, view user fees accrued and paid, and track the status of phytosanitary certification. Foreign government officials can use the PCIT system to quickly verify the authenticity of a phytosanitary certificate.

APHIS may routinely share data in the PCIT system with State and county government officials who provide phytosanitary inspection services on behalf of the Federal Government. They use the information to evaluate applications; schedule and perform inspections and related phytosanitary activities; generate phytosanitary certificates; investigate complaints by a foreign country that a commodity for which a phytosanitary certificate was issued does not meet the country’s phytosanitary requirements; and evaluate program quality and effectiveness. APHIS may also share data with certain Federal agencies, pursuant to the International Trade Data System Memorandum of Understanding, consistent with the receiving agency’s authority to collect information pertaining to violations of law or related to litigation. A complete listing of the routine uses for this system is included.

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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.

www.regulations.gov/#!docketDetail;D=APHIS-2012-0104 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: Mr. Christian B. DeLisi, Export Services, Plant Health Programs, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737; (301) 851–2154.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, as amended (5 U.S.C. 552a), requires agencies to publish in the Federal Register notice of new or revised systems of records maintained by the agency. A system of records is a group of any records under the control of any agency, from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to an individual.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) is proposing to add a new system of records, entitled Phytosanitary Certificate Issuance and Tracking (PCIT) System, that will be used to maintain records of activities conducted by the agency pursuant to its mission and responsibilities authorized by the Plant Protection Act (7 U.S.C. 7701 et seq.). Phytosanitary certificates are issued by authorized Federal, State, and county officials. They certify that consignments of plants, plant products, and other regulated articles intended for export have been inspected and meet the phytosanitary import requirements of the foreign country to which they are destined. There is a user fee charge for the inspection and certification services. Phytosanitary certificates accompany shipments to their foreign destinations and are reviewed by officials of the foreign plant protection service before the commodity is allowed entry into their country. U.S. exporters who require phytosanitary certificates for commodities offered for export must apply for them through the PCIT system.

The PCIT system provides a secure mechanism for applicants to provide information, including the name, address, and telephone number of the exporter or exporter’s agent and the foreign consignee, which could be individuals but, in most cases, are companies or organizations. Applicants also must provide information about the articles to be exported. APHIS needs all of this information to evaluate the application, schedule and perform inspections and other phytosanitary activities, and issue phytosanitary certificates. Authorized Federal, State, and county certification officials enter data into the PCIT system regarding inspections, any required treatments, and other phytosanitary activities. The PCIT system also maintains information on user fees paid and accrued, although the system does not contain any financial information about applicants.

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Numerous other uses of the information include releases related to investigations pertaining to violations of law or related to litigation. A complete listing of the routine uses for this system is included.
in the description of the system presented below.

Report on New System of Records

A report on the new system of records, required by 5 U.S.C. 552a(r), as implemented by Office of Management and Budget Circular A–130, has been sent to the Chairman, Committee on Homeland Security and Governmental Affairs, United States Senate; the Chairman, Committee on Oversight and Government Reform, House of Representatives; and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget.

Thomas J. Vilsack,
Secretary.

SYSTEM NAME:

SECURITY CLASSIFICATION:
None.

SYSTEM LOCATION:
The system resides at USDA’s National Information Technology Center (NITC) in Kansas City, MO. Back-up files are maintained in Riverdale, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:
Individuals covered by the system include Federal, State, and county officials who issue phytosanitary certificates and exporters, exporters’ agents, and foreign consignees.

CATEGORIES OF RECORDS IN THE SYSTEM:
Records may include applications for phytosanitary export certification and information about related inspections, treatments, other phytosanitary activities, and phytosanitary certificates issued. These records include names, addresses, and telephone numbers of exporters, exporters’ agents, and foreign consignees, and names, office addresses, and telephone numbers of Federal, State, and county officials who issue phytosanitary certificates. Records may also include information on user fees paid and accrued, although the system does not contain any financial information about applicants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:
The Plant Protection Act (7 U.S.C. 7701 et seq.).

PURPOSE(S):
The PCIT system is a secure system for applying for, evaluating, tracking the status of, and issuing phytosanitary certificates for plants, plant products, and other regulated articles intended for export. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

- In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records maintained in the system may be disclosed outside USDA as follows:
  - (1) To certain State and county government regulatory officials to evaluate applications; schedule and perform inspections and related phytosanitary activities; generate phytosanitary certificates; investigate complaints about noncompliance with phytosanitary requirements; and evaluate program quality and effectiveness;
  - (2) To certain Federal agencies, pursuant to the International Trade Data System Memorandum of Understanding, consistent with the receiving agency’s authority to collect information pertaining to transactions in international trade;
  - (3) To certain foreign governments concerning applications for phytosanitary certificates involving that country;
  - (4) To the appropriate agency, whether Federal, State, local, or foreign, charged with responsibility of investigating or prosecuting a violation of law or of enforcing, implementing, or complying with a statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and either arising by general statute or particular program statute, or by rule, regulation, or court order issued pursuant thereto;
  - (5) To the Department of Justice when: (a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected; and (6) For use in a proceeding before a court or administrative body before which the agency is authorized to appear, when: (a) The agency, or any component thereof; or (b) any employee of the agency in his or her official capacity; or (c) any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation; provided, however, that in each case, the agency determines that disclosure of the records to the court is a use of the information contained in the records that is compatible with the purpose for which the records were collected;
  - (7) To appropriate agencies, entities, and persons when: (a) The agency suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, a risk of identity theft or fraud, or a risk of harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency’s efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm;
  - (8) To contractors engaged to assist in administering the program. Such contractors will be bound by the nondisclosure provisions of the Privacy Act;
  - (9) To USDA contractors, partner agency employees or contractors, or private industry employed to identify patterns, trends, or anomalies indicative of fraud, waste, or abuse; and
  - (10) To the National Archives and Records Administration for records management inspections conducted under 44 U.S.C. 2904 and 2006.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:
None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
The system is an electronic database stored on servers in a secure government-owned facility. APHIS maintains back-up files on external hard drives kept in locked cabinets at APHIS headquarters.
Any individual may obtain information from a record in the system that pertains to him or her. Requests for hard copies of records should be in writing, and the request must contain the requesting individual’s name, address, name of the system of records, timeframe for the records in question, any other pertinent information to help identify the file, and a copy of his/her photo identification containing a current address for verification of identification. All inquiries should be addressed to the Freedom of Information and Privacy Act Staff, Legislative and Public Affairs, APHIS, 4700 River Road Unit 50, Riverdale, MD 20737–1232.

CONTESTING RECORD PROCEDURES:
Any individual may contest information contained within a record in the system that pertains to him/her by submitting a written request to the system manager at the address above. Include the reason for contesting the record and the proposed amendment to the information with supporting documentation to show how the record is inaccurate.

RECORD SOURCE CATEGORIES:
Information in this system about individuals comes primarily from applicants for a phytosanitary certificate.

EXEMPTIONS CLAIMED FOR THE SYSTEM:
None.

DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
[Docket No. APHIS–2013–0066]

Notice of Request for Extension of Approval of an Information Collection; Plum Pox Compensation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: 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 an extension of approval of an information collection associated with the regulations that provide for the payment of compensation to owners of commercial stone fruit orchards and fruit tree nurseries whose trees or nursery stock were destroyed to eradicate plum pox virus.

DATES: We will consider all comments that we receive on or before October 8, 2013.

ADDRESSES: You may submit comments by either of the following methods:
• Federal eRulemaking Portal: Go to http://www.regulations.gov/
#docketDetail;D=APHIS-2013-0066-0001.
• Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2013–0066, 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-2013-0066 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 for plum pox compensation, contact Ms. Lynn Evans-Goldner, National Policy Manager, PHP, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737; (301) 851–2286. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS’ Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:
Title: Plum Pox Compensation. OMB Number: 0579–0159.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 et seq.) authorizes the Secretary of Agriculture, either independently or in cooperation with the States, to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests, such as plum pox virus (PPV), that are new to or not widely distributed within the United States.

Plum pox is an extremely serious viral disease of plants that can affect many Prunus (stone fruit) species, including plum, peach, apricot, almond, nectarine, and sweet and tart cherry. A number of wild and ornamental Prunus species may also be susceptible to this disease. Infection eventually results in severely reduced fruit production, and the fruit that is produced is often misshapen and blemished. PPV is transmitted under natural conditions by several species of aphids. The long distance spread of PPV occurs by budding and grafting with infected plant material and by farm tools/equipment, and through movement of infected budwood, nursery stock, and other plant parts. There are no known effective methods for treating trees or other plant material infected with PPV, nor are there any known effective preventative treatments. Without effective treatments, the only option for preventing the spread of the disease is