

Participating State Agencies will establish their own application process and deadlines for producers and handlers, as specified in their grant agreements, and eligible operations must submit an application package according to the instructions provided by the State agency. State Agencies should refer to the Full Notice of Funding Opportunity Announcement on *Grants.gov* for additional details on process and deadline requirements. A list of participating State Agencies will be available at <https://www.fsa.usda.gov/programs-and-services/occsp> after their agreements with FSA to administer OCCSP are finalized.

#### Definitions

For this NOFA, the following definitions apply.

**"State agency"** means the agency, commission, or department responsible for agriculture under its jurisdiction in each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

**"USDA organic certification"** means a determination made by a certifying agent that a production or handling operation is in compliance with Organic Foods Production Act of 1990 (7 U.S.C. 6501–6522) and the regulations in 7 CFR part 205, which is documented by a certificate of organic operation.

The following definitions from the regulations of 7 CFR 205.2 also apply to this NOFA: "certified operation," "certifying agent," "crop," "handler," "inspection," "inspector," "labeling," "livestock," "organic," "organic production," "processing," "producer," "State certifying agent," "State organic program," and "wild crop."

#### Other Provisions

Producers and handlers who file an application with FSA have the right to an administrative review of any FSA adverse decision with respect to the application under the appeals procedures in 7 CFR parts 780 and 11. FSA program requirements and determinations that are not in response to, or result from, an individual disputable set of facts in an individual participant's application for assistance are not matters that can be appealed.

A producer or handler may file an application with an FSA county office after the OCCSP application deadline, and in such case the application will be considered a request to waive the deadline. The Deputy Administrator has the discretion and authority to consider

the case and waive or modify application deadlines and other requirements or program provisions not specified in law, in cases where the Deputy Administrator determines it is equitable to do so and where the Deputy Administrator finds that the lateness or failure to meet such other requirements or program provisions do not adversely affect the operation of OCCSP. Although applicants have a right to a decision on whether they filed applications by the deadline or not, applicants have no right to a decision in response to a request to waive or modify deadlines or program provisions. The Deputy Administrator's refusal to exercise discretion to consider the request will not be considered an adverse decision and is, by itself, not appealable.

Any producer or handler who applies to a State agency is subject to review rights afforded by the State agency.

Participating State Agencies that are dissatisfied with any FSA decision relative to a State agency agreement may seek redress in accordance with 2 CFR 200.341.

The regulations governing offsets and withholdings in 7 CFR part 1403 apply to OCCSP payments. Any participant entitled to an OCCSP payment may assign such payment(s) in accordance with the regulations in 7 CFR part 1404.

Awards to State Agencies will be subject to 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

#### Paperwork Reduction Act Requirements

The information collection request for OCCSP is approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB control number for the approval is 0560-0289.

#### Catalog of Federal Domestic Assistance

The title and number of the Federal assistance program in the Catalog of Federal Domestic Assistance to which this NOFA applies is 10.171, Organic Certification Cost Share Program (OCCSP).

#### Environmental Review

The environmental impacts of this NOFA have been considered in a manner consistent with the provisions of the National Environmental Policy Act (NEPA, 42 U.S.C. 4321–4347), the regulations of the Council on Environmental Quality (40 CFR parts 1500–1508), and the FSA regulations for compliance with NEPA (7 CFR part 799). The purpose of OCCSP is to provide cost share assistance to

producers and handlers of agricultural products in obtaining organic certification. This NOFA merely announces funding availability and general eligibility and administrative provisions for FY 2019 through 2023. FSA is not making substantive changes to OCCSP. As such, the Categorical Exclusions found at 7 CFR part 799.31 apply, specifically 7 CFR 799.31(b)(6)(iii) (that is, financial assistance to supplement income). No Extraordinary Circumstances (7 CFR 799.33) exist. As such, FSA has determined that this NOFA does not constitute a major Federal action that would significantly affect the quality of the human environment, individually or cumulatively. Therefore, FSA will not prepare an environmental assessment or environmental impact statement for this administrative action and this NOFA serves as documentation of the programmatic environmental compliance decision.

**Richard Fordyce,**

*Administrator, Farm Service Agency.*

**Robert Stephenson,**

*Executive Vice President, Commodity Credit Corporation.*

[FR Doc. 2019-08624 Filed 4-26-19; 8:45 am]

BILLING CODE 3410-05-P

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. FSIS-2018-0039]

#### The Public Health Information System (PHIS) Export Component Fee

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is announcing that starting June 1, 2019, it will assess a fee to exporters that choose to apply for export certificates electronically through the export component of the Agency's Public Health Information System (PHIS). FSIS is only using the PHIS export component for a limited number of countries at this time.

**DATES:** FSIS will charge the fee announced in this notice beginning June 1, 2019.

#### FOR FURTHER INFORMATION CONTACT:

Roberta Wagner, Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205-0495.

#### SUPPLEMENTARY INFORMATION:

## Background

On June 29, 2016, the Food Safety and Inspection Service (FSIS) published the final rule, “Electronic Export Application and Certification Charge; Flexibility in the Requirements for Export Inspection Marks, Devices, and Certificates; Egg Products Export Certification” (81 FR 42225). The preamble to the final rule explained that FSIS would implement an electronic export application and certification system available through the Agency’s PHIS export component. The electronic export application and certification process provides service options to U.S. exporters, enabling them to electronically submit, track, and manage their export applications. To cover the costs of providing this service, the final rule established a formula-based fee for electronic export applications.

The applicability date of the export application and certification provisions

provided in the final rule was June 29, 2017. The final rule stated that, on an annual basis, the Agency would update the fee and publish the new fee in the **Federal Register**.

On September 4, 2017, FSIS published a **Federal Register** notice (FRN), “Public Health Information System (PHIS) Export Component Country Implementation” (FR 82 42056). The notice announced that, in response to stakeholder feedback and to ensure sufficient testing and outreach, the Agency extended the implementation date of the PHIS export component to June 29, 2018.

The Agency also announced that it would implement the PHIS export component with a limited number of foreign countries and would expand implementation to add countries incrementally. In addition, FSIS stated that it would assess the fee no sooner than January 1, 2019, and would recalculate the fee based on the best

available estimates for costs and number of applications.

Under the authority of the Agricultural Marketing Act, FSIS will continue to make certifications regarding exported meat and poultry products meeting conditions or standards that are not imposed, or that are in addition to those imposed, by U.S. meat and poultry regulations, the Federal Meat Inspection Act (FMIA), or the Poultry Product Inspection Act (PPIA) (9 CFR 350.3(b) and 362.2(b)). FSIS collects fees and charges from establishments and facilities that request certification service in addition to the basic export certification of wholesomeness (9 CFR 350.7 and 362.5).

## Electronic Export Application Formula Update

As published in the final rule, the Electronic Export Application Fee Formula is:

$$\text{Labor Cost (Technical Support + Export Library Maintenance)} + \text{IT}$$

$$\text{Cost (Ongoing Operations and Maintenance + eAuthentication)}$$

## Number of Export Applications

To determine the June 2019 electronic export application fee, FSIS has updated the labor costs and IT costs in the formula numerator. FSIS stated in the 2016 final rule and the 2017 **Federal Register** notice that it would update and recalculate the fee based on the best available estimates for costs and number of applications; however, the number of export applications (the denominator in the formula) cannot be accurately

assessed until a majority of countries are using the export component. The current number of export applications is an estimate based on a survey conducted by FSIS’s Office of Field Operations in June 2013 (81 FR 42230) of the certificates issued, which likely is an overestimate of the number of export certificates that will be issued in Fiscal Year (FY) 2019 via the PHIS export component. The overestimate of the

number of export applications results in an underestimate of the initial fee that will be assessed starting June 1, 2019. Therefore, using the codified formula above, FSIS is updating the numerator. The denominator (the number of export applications) remains unchanged.

The 2019 Electronic Export Application Fee:

$$\text{Labor Cost } (\$560,901.60 + [\$337,369]) + \text{IT Cost } (\$1,414,285.60 + \$0)$$

576,192

$$= \$4.01$$

The following discussion provides an explanation of the costs of providing the PHIS export component:

- **Technical Support Costs:** As noted in the final export rule and September 2017 **Federal Register** notice, technical support costs consist of activities like

resolving user problems with the electronic application services, identifying web browser compatibility issues, and resolving access issues to authorized areas of the system (FR 82 42056). The updated total technical support cost estimate is \$560,901.60,

which includes total yearly cost for a Help Desk Specialist (\$278,553.60); total yearly cost for one Tier III Support Business Analyst from FSIS’ PHIS Support Services Contract for the export component (\$141,174); and total yearly cost for one Tier III Senior Business

Analyst for the PHIS Production Version of the export component (\$141,174).

- *Export Library Maintenance Cost:*

The cost for funding two full-time employees to provide export library functions is \$337,369. Export library maintenance supports the PHIS export component and includes the writing, testing, and maintenance of complex business rules for evaluating the export application that is submitted into the PHIS export system. The business rules allow the system to determine product eligibility before the system accepts the application and transmits it to inspection program personnel. The business rules also facilitate the type of export certification required by the foreign government that will be issued when the application is accepted. This work supports the PHIS export component and is not part of current export library functions. In addition, there will be continuous updates to the system.

- *On-going Operations and Maintenance Costs:*

As noted in the final export rule and September 2017 **Federal Register** notice, the cost of providing on-going operations and maintenance covers activities, such as modifying the application based on changes in requirements or user needs; adding functionality based on foreign regulatory changes; upkeep of the system to ensure a secure operating environment that protects the data, improvements and necessary repairs to keep the system responsive to users' needs; and costs to operate the system's components (FR 82 42056). The updated Operations and Maintenance costs is \$1,414,285.60, based on a fixed price contract for ongoing PHIS development, operations, and maintenance. This cost may increase in future years based on whether the Government Services Administration (GSA) schedule increases in labor rates and other factors.

- *eAuthentication costs:*

Consistent with the final export rule and September 2017 **Federal Register** notice, the cost of providing eAuthentication will remain zero when FSIS begins assessing the fee June 1, 2019. eAuthentication is a single sign-on application that allows users to securely access multiple USDA applications, including the PHIS export component. To access the PHIS export component users need to register for a USDA eAuthentication account. To learn more about eAuthentication and how to register for an account, visit <https://www.eauth.usda.gov>.

## E-Government Act

FSIS and the U.S. Department of Agriculture (USDA) are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

## Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication and officially notify the World Trade Organization's Committee on Sanitary and Phytosanitary Measures (WTO/SPS Committee) in Geneva, Switzerland, of this proposal on-line through the FSIS web page located at: <http://www.fsis.usda.gov/federal-register>.

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. Constituent Updates are available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: <http://www.fsis.usda.gov/subscribe>. Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves and have the option to password protect their accounts.

## USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

### How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program

Discrimination Complaint Form, which may be accessed online at [http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain\\_combined\\_6\\_8\\_12.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf), or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

**Mail:** U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410.

**Fax:** (202) 690-7442.

**Email:** [program.intake@usda.gov](mailto:program.intake@usda.gov).

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC.

**Carmen M. Rottenberg,**  
*Administrator.*

[FR Doc. 2019-08547 Filed 4-26-19; 8:45 am]

BILLING CODE 3410-DM-P

## DEPARTMENT OF AGRICULTURE

### Natural Resources Conservation Service

[Docket No. NRCS-2018-0013]

### South Branch Potomac River Subwatershed of the Potomac River Watershed, Highland County, Virginia and Pendleton and Grant Counties, West Virginia

**AGENCY:** Natural Resources Conservation Service, (NRCS), USDA.

**ACTION:** Notice of deauthorization of Federal funding.

**SUMMARY:** NRCS gives notice of the deauthorization of Federal funding for the South Branch Potomac River Subwatershed of the Potomac River Watershed project, Highland County, Virginia and Pendleton and Grant Counties, West Virginia, effective November 29, 2018.

**FOR FURTHER INFORMATION CONTACT:** For further information contact the following individuals: John Bricker, Virginia State Conservationist, NRCS, 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229, (804) 287-1691 or [Jack.Bricker@va.usda.gov](mailto:Jack.Bricker@va.usda.gov). Louis Aspey, West Virginia State Conservationist, NRCS, 1550 Earl L. Core Road, Suite 200, Morgantown, West Virginia 26505, (304) 284-7540 or [Louis.Aspey@wv.usda.gov](mailto:Louis.Aspey@wv.usda.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Flood Control Act Public Law 78-534 and the Natural Resources Conservation Service (NRCS) Guidelines (7 CFR part 622), a determination has