

collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques, or other forms of information technology. Comments may be sent both to FSIS, at the addresses provided above, and to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotope, etc.) should contact USDA's Target Center at 202-720-2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at http://www.fsis.usda.gov/regulations_policies/Federal_Register_Notices/index.asp.

FSIS will also make copies of this **Federal Register** 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 constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In

addition, FSIS offers an electronic mail 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/News_Events/Email_Subscription/. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC, on: May 20, 2013.
Alfred V. Almanza,
Administrator.

[FR Doc. 2013-12661 Filed 5-28-13; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2012-0041]

Availability of Compliance Guide for Residue Prevention and Response to Comments

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of the final revision of the compliance guide for the prevention of violative residues in livestock slaughter establishments. In addition, this notice summarizes and responds to comments received on the guide and residue testing issues that FSIS raised previously in the **Federal Register**.

ADDRESSES: A downloadable version of the revised compliance guide is available to view and print at http://www.fsis.usda.gov/PDF/Residue_Prevention_Comp_Guide.pdf. No hard copies of the compliance guide have been published.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Assistant Administrator, Office of Policy and Program Development, at Telephone: (202) 205-0495, or by Fax: (202) 720-2025.

SUPPLEMENTARY INFORMATION:

I. Background

On April 25, 2012, FSIS announced the availability of a compliance guide for residue prevention (77 FR 24671) and requested comment on the guide. FSIS explained that the guide emphasizes that establishments, especially those that slaughter dairy cows and bob veal calves, should apply five basic measures to reduce or prevent

the occurrence of violative residues. The guide recommends that establishments should: (1) Confirm producer history; (2) buy animals from producers who have a history of providing residue-free animals and have effective residue prevention programs; (3) ensure that animals are adequately identified to enable traceback; (4) supply information to FSIS at ante-mortem inspection showing that animals in the lot did not come from repeat violators; and (5) notify producers in writing if their animals are found to have violative residues. Similarly, the guidance recommends that establishments notify producers in writing if their animals are found to have residues that are detectable but that do not exceed the tolerance or action levels established by the Food and Drug Administration (FDA) and the Environmental Protection Agency.

FSIS also explained that the compliance guide discusses the Agency's Residue Repeat Violator List. In addition, FSIS explained recent changes to the list, including that the list now includes only producers who have provided more than one animal with a violative residue during the past 12 months, and asked for comment on recent revisions to the list.

FSIS also announced that it recently increased testing for residues of carcasses in establishments with violations associated with the same producer or at establishments that fail to apply the residue control measures described in the compliance guide. Finally, FSIS also announced it intended to increase testing for residues in animals from producers who are under an injunction obtained by the FDA because of drug use practices that have led to residue violations.

In response to the comments it received, FSIS has updated the guidance document by substituting "residue free" and "drug free" with the phrase "free from violative residues." In addition, FSIS has included a discussion of means of livestock identification other than those discussed in the initial guidance that should be considered by livestock slaughter establishments when back tags are lost or prove ineffective in maintaining the identity of the animals.

The guide includes recommendations rather than regulatory requirements. FSIS encourages livestock slaughter establishments to follow this final guide.

As for increased testing of animals from producers under an injunction obtained by FDA, FSIS and FDA continue to discuss how this testing can best be done. FSIS did not receive any comments on this issue. FSIS advises

that it does intend to implement this increased testing.

FSIS also did not receive any comments on recent increases in testing of carcasses for residues.

II. Comments and Responses

FSIS received a total of 12 comment letters in response to the April 2012 notice from professional veterinary associations, national trade organizations, private citizens, and an animal welfare advocacy organization. Following is a summary of the comments and FSIS's responses.

Comment: Several comments stated that only a small percentage of livestock receiving a back tag at the livestock market or sale barn actually retain those tags all the way to slaughter. One comment estimated that 80 percent of back tags placed on swine fall off before the animals are presented for slaughter. Several comments conjectured that if processors refuse to purchase animals without identification as recommended by FSIS, owners of animals that unwittingly lose their back tags while in transit or holding pens will be denied market access. As an alternative to back tags, two comments requested that FSIS mandate the use of permanent ear identification tags in swine.

Response: FSIS acknowledges that incidental loss of back tags does occur while livestock are in transport and holding areas. However, FSIS believes, in some cases, back tags prove to be an acceptable form of identification. If back tags do not work in certain situations, FSIS recommends that establishments use other means of identification, like producer ear tags, feedlot identification tags, tattoos, and calf-hood tags ("bangs"). FSIS has modified the guide to address animal identification options for establishments to consider when incidental loss of back tags occurs.

FSIS has limited authority to mandate the use of specific identification devices, permanent or otherwise, on livestock presented for slaughter. Therefore, FSIS does not intend to propose changes to its regulations to require specific identification devices at this time.

Comment: Several comments opposed FSIS's recommendation that slaughter establishments notify animal producers if their animals are found to have non-violative levels of a drug residue because the information will likely confuse producers.

Response: On November 28, 2000, FSIS informed establishments that if their HACCP plans included residue controls that incorporate the best available preventive practices for slaughter establishments, if they

implement those controls effectively, and if they supply FSIS with information about violators, then the Agency will not treat violative residue findings by the establishment that are followed by appropriate corrective actions as noncompliance (65 FR 70809). The **Federal Register** notice went on to recommend that slaughter establishments notify animal producers in writing of both violative and non-violative residue findings as one of several "best preventive practices." As reaffirmed in the compliance guide, FSIS believes that such an approach will result in a decrease in violative residue findings because evidence of non-violative residues is an indication of lack of care in drug use by that producer.

Comment: Several comments requested that FSIS resume publishing the Residue Violator List in addition to the revised Residue Repeat Violator List. According to the comments, information contained within the discontinued Residue Violator List was used by certain trade organizations to target outreach on residue avoidance to reduce the probability that a repeat violation would occur.

Response: In 2011, to avoid confusion, FSIS stopped publishing the monthly Residue Violator (Alert) List that included the names of any producer, including first-time offenders, with a residue violation in the previous 12 months. FSIS replaced that list with the Residue Repeat Violator List. Published weekly, the Residue Repeat Violator List identifies producers who repeatedly (i.e., on more than one occasion) within a 12-month period have sold animals for slaughter whose carcasses were found by FSIS to contain a violative level of a chemical residue.

FSIS recognizes that posting the name of a livestock producer to a publicly-available list of residue violators may potentially result in significant economic harm to that producer. Moreover, the incentive of removal of the producer's name from the Residue Repeat Violator List, which motivates repeat violators to improve their operations to prevent violative residues, will be weakened if producers with only one violation are listed on the Web site. Finally, FSIS notes that many first-time residue violators do not go on to become repeat violators within the designated 12-month period. Therefore, FSIS does not intend to resume publishing names of producers with a single violation within a 12-month period.

Comment: Because producers or suppliers can sell livestock to multiple Federal establishments, one comment suggested that FSIS consolidate residue

test results from the supplier or producer and set an acceptance level of non-violative samples that would trigger removal of a producer from the Residue Repeat Violator List rather than use a hard 12-month timeframe.

Response: FSIS would need to evaluate existing data to set a level of acceptable non-violative residue sample results that would trigger removal of a producer from the Residue Repeat Violator List. Given the time and resources that it would take to perform this evaluation, FSIS finds that the passage of time without a violation remains the appropriate criterion for removal from the list and is not making any changes to the Residue Repeat Violator list at this time.

Comment: Two comments requested that FSIS amend the compliance guide by substituting "residue-free" and "drug residue free" with the phrase "free from violative residues".

Response: FSIS agrees with the suggested changes and has modified the compliance guide accordingly.

Comment: Two comments expressed various concerns about drug residues in horses destined to be slaughtered for human consumption.

Response: In January 2010, the USDA Office of Inspector General determined in its review of the FSIS National Residue Program for Cattle that cull dairy cows and bob veal account for 90 percent of the residues found in animals presented for slaughter. Therefore, the guide focuses primarily on establishments that slaughter these livestock. However, this guide will be useful to any establishments that slaughter horses under Federal inspection in the future. By following the recommendations in the guidance, horse slaughter establishments would employ practices that help them avoid receiving horses with residues.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at 202-720-2600 (voice and TTY). To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250-9410 or call 202-720-5964 (voice and

TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at http://www.fsis.usda.gov/regulations_&_policies/Federal_Register_Notices/index.asp.

FSIS will also make copies of this **Federal Register** 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 constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail 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/News_&_Events/Email_Subscription/. Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Done at Washington, DC on: May 20, 2013.

Alfred V. Almanza,
Administrator.

[FR Doc. 2013-12666 Filed 5-28-13; 8:45 am]

BILLING CODE 3410-DM-P

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No.: 130514469-3469-01]

Draft Initial Comprehensive Plan and Draft Programmatic Environmental Assessment

AGENCY: Office of the Secretary, U.S. Department of Commerce.

ACTION: Notice of availability; request for comments.

SUMMARY: In accordance with the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf States Act (RESTORE Act), the Secretary of Commerce, as Chair of the Gulf Coast Ecosystem Restoration Council (Council), announces the availability of

a Draft Initial Comprehensive Plan (Draft Plan) to restore and protect the Gulf Coast region. Council Members also have compiled preliminary lists of ecosystem restoration projects that are “authorized but not yet commenced” and the full Council is in the process of evaluating these lists; the Council announces the availability of these preliminary lists. Finally, the Council has drafted, and announces the availability of, a Draft Programmatic Environmental Assessment (Draft PEA) for the Draft Plan. These documents are available for public review and comment.

DATES: To ensure consideration, we must receive your written comments on the Draft Plan and Draft PEA by June 24, 2013.

ADDRESSES: You may submit comments on the Draft Plan, the preliminary lists of “authorized but not yet commenced” ecosystem restoration projects, and Draft PEA by either of the following methods:

- **Electronic Submission:** Submit all electronic public comments via www.restorethegulf.gov.
- **Mail/Commercial Delivery:** Please send a copy of your comments to Gulf Coast Ecosystem Restoration Council, c/o U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4077, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: The Council can be reached at restorecouncil@doc.gov.

SUPPLEMENTARY INFORMATION:

Background: In 2010, the *Deepwater Horizon* oil spill caused extensive damage to the Gulf Coast’s natural resources, devastating the economies and communities that rely on it. In an effort to help the region rebuild in the wake of the spill, Congress passed and the President signed the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (“RESTORE Act”). Public Law 112-141, §§ 1601-1608, 126 Stat. 588 (Jul. 6, 2012). The RESTORE Act created the Gulf Coast Ecosystem Restoration Trust Fund (Trust Fund) and dedicates eighty percent of any civil and administrative penalties paid under the Clean Water Act, after the date of enactment, by parties responsible for the *Deepwater Horizon* oil spill to the Trust Fund for ecosystem restoration, economic recovery, and tourism promotion in the Gulf Coast region. The ultimate amount of administrative and civil penalties potentially available to the Trust Fund is currently unknown because Clean Water Act claims against several responsible parties are outstanding. On

January 3, 2013, however, the United States announced that Transocean Deepwater Inc. and related entities agreed to pay \$1 billion in civil penalties for violating the Clean Water Act in relation to their conduct in the *Deepwater Horizon* oil spill. That settlement was approved by the court in February, and Transocean paid the first installment of its civil penalties to the United States at the end of March. These funds are subject to the RESTORE Act.

In addition to creating the Trust Fund, the RESTORE Act established the Gulf Coast Ecosystem Restoration Council (Council), which is chaired by the Secretary of Commerce and includes the Governors of Alabama, Florida, Louisiana, Mississippi, and Texas, and the Secretaries of the U.S. Departments of Agriculture, the Army, Homeland Security, and the Interior, and the Administrator of the U.S. Environmental Protection Agency. Among other things, the Act requires the Council to publish an Initial Comprehensive Plan to restore and protect the Gulf Coast region after notice and an opportunity for public comment.

This Draft Plan sets forth the Council’s overarching goals for restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast region. Additionally, the Plan: (1) incorporates the recommendations and findings of the Gulf Coast Ecosystem Restoration Task Force (Task Force) as set forth in the *Gulf Coast Ecosystem Restoration Task Force Strategy (Strategy)*; (2) describes how Council-Selected ecosystem restoration activities will be solicited, evaluated, and funded; (3) outlines the process for the development, review, and approval of State Expenditure Plans; and, (4) provides the Council’s next steps. In addition, the Council as a whole is in the process of reviewing and evaluating preliminary lists submitted by individual Council Members in order to compile, as required by the RESTORE Act, “a list of any project or program authorized prior to the date of enactment of [the Act] but not yet commenced, the completion of which would further the purposes and goals of [the Act].”

The Council has responsibility over the expenditure of sixty percent of the funds made available from the Trust Fund. The Council will administer thirty percent, plus fifty percent of the interest on Trust Fund monies, for ecosystem restoration and protection according to the Plan. The other thirty percent will be allocated to the Gulf States as described in the RESTORE Act