

that it will set future minimum random drug and alcohol testing rates according to the rail industry's overall positive rate, which is determined using annual railroad drug and alcohol program data taken from FRA's Management Information System. Based on this data, the Administrator publishes a **Federal Register** notice of determination each year, announcing the minimum random drug and alcohol testing rates for the following year. See 49 CFR 219.602, 608.

Under this performance-based system, FRA may lower the minimum random drug testing rate to 25 percent of covered railroad employees whenever the industry-wide random drug positive rate is less than 1.0 percent for two calendar years while testing at a 50 percent minimum rate. For both drugs and alcohol, FRA reserves the right to consider other factors, such as the number of positives in its post-accident testing program, before deciding whether to lower annual minimum random testing rates. If the industry-wide random drug positive rate is 1.0 percent or higher in any subsequent calendar year, FRA will return the minimum random drug testing rate to 50 percent of covered railroad employees.

If the industry-wide random alcohol violation rate is less than 1.0 percent but greater than 0.5 percent, the minimum random alcohol testing rate will be 25 percent of covered railroad employees. FRA will raise the minimum random rate to 50 percent of covered railroad employees if the industry-wide random alcohol violation rate is 1.0 percent or higher in any subsequent calendar year. FRA may lower the minimum random alcohol testing rate to 10 percent of covered railroad employees whenever the industry-wide violation rate is less than 0.5 percent for two calendar years while testing at a higher rate.

In this notice of determination, FRA announces that the minimum random drug testing rate will remain at 25 percent of covered railroad employees for the period January 1, 2011, through December 31, 2011, because the industry random drug testing positive rate was below 1.0 percent for the last two years (.046 in 2008 and .037 in 2009). The minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2011, through December 31, 2011, because the industry-wide violation rate for alcohol has remained below 0.5 percent for the last two years (.015 in 2008 and .014 in 2009). Railroads remain free, as always, to conduct random testing at higher rates.

Issued in Washington, DC, on December 13, 2010.

Joseph C. Szabo,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101124587-0586-01]

RIN 0648-BA47

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Emergency Rule To Delay Effectiveness of the Snapper-Grouper Area Closure; Correction

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; correction.

SUMMARY: This document contains a correction to the temporary rule that delays the effective date of the area closure for snapper-grouper specified in Amendment 17A to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) that was published in the **Federal Register** December 9, 2010.

DATES: Effective December 20, 2010, the effective date of the rule published in the **Federal Register** December 9, 2010 (75 FR 76890), is corrected to January 3, 2011, through June 1, 2011, unless NMFS publishes a superseding document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Anik Clemens, 727-824-5305; fax: 727-824-5308; e-mail:

Anik.Clemens@noaa.gov.

SUPPLEMENTARY INFORMATION:

Need for Correction

On December 9, 2010 (75 FR 76890), NMFS published an incorrect effective date in the **DATES** section of the temporary rule. The **DATES** section contained an incorrect effective date of January 3, 2010. The correct effective date for the temporary rule is January 3, 2011, through June 1, 2011, unless NMFS publishes a superseding document in the **Federal Register**. This document corrects that effective date.

Correction

In FR Doc. 2010-30682 appearing on page 78158 in the **Federal Register** of

December 9, 2010, correct the **DATES** section to read as follows:

DATES: This rule is effective January 3, 2011 through June 1, 2011, unless NMFS publishes a superseding document in the **Federal Register**.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 15, 2010.

John Oliver,

Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

[FR Doc. 2010-31917 Filed 12-17-10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648-XA017

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason retention limit adjustment.

SUMMARY: NMFS has determined that the Atlantic tunas General category daily Atlantic bluefin tuna (BFT) retention limit should be adjusted for the month of January 2011, based on consideration of the regulatory determination criteria regarding inseason adjustments. This action applies to Atlantic tunas General category permitted vessels and Highly Migratory Species Charter/Headboat category permitted vessels (when fishing commercially for BFT).

DATES: Effective January 1, 2011, through January 31, 2011.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978-281-9260.

SUPPLEMENTARY INFORMATION:

Regulations implemented under the authority of the Atlantic Tunas Convention Act (ATCA; 16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations