

3. On page 77897, Table 12 is corrected to read as follows:

TABLE 12—PY 2020 CLINICAL MEASURES INCLUDING FACILITIES WITH AT LEAST 11 ELIGIBLE PATIENTS PER MEASURE

Measure	N	75th/25th Percentile	90th/10th Percentile	Std error	Statistically Indistinguishable	Truncated mean	Truncated SD	TCV	TCV's 0.10
Kt/V Delivered Dose above minimum ..	6210	96.0	98.0	0.093	No .....	92.5	4.20	0.05	Yes.
Fistula Use .....	5906	73.2	79.6	0.148	No .....	65.7	8.88	0.14	No.
Catheter Use .....	5921	5.43	2.89	0.093	No .....	<sup>1</sup> 90.1	5.16	<0.01	Yes.
Serum Calcium >10.2 .....	6257	0.91	0.32	0.049	No .....	<sup>1</sup> 97.8	1.48	<0.01	Yes.
NHSN—SIR .....	5781	0.41	0.00	0.011	No .....	0.963	0.57	<0.01	Yes.
SRR .....	5739	0.82	0.64	0.004	No .....	0.995	0.21	<0.01	Yes.
STrR .....	5650	0.64	0.43	0.008	No .....	0.965	0.37	<0.01	Yes.
ICH CAHPS:									
Nephrologists communication and caring.	3349	71.8	77.1	0.159	No .....	65.7	7.11	0.11	No.
Quality of dialysis center care and operations.	3349	66.2	71.2	0.134	No .....	60.9	6.20	0.10	No.
Providing information to patients .....	3349	82.4	85.6	0.101	No .....	78.4	4.61	0.06	Yes.
Rating of Nephrologist .....	3349	69.9	76.6	0.204	No .....	62.0	9.29	0.15	No.
Rating of dialysis facility staff .....	3349	70.9	77.4	0.215	No .....	62.0	9.92	0.16	No.
Rating of dialysis center .....	3349	73.8	80.6	0.221	No .....	64.8	10.18	0.16	No.

<sup>1</sup> Truncated mean for percentage is reversed (100 percent – truncated mean) for measures where lower score = better performance.

4. On page 77932, third column, line 17, the word “suppliers” is corrected to read as “bidders”.

5. On page 77933, first column, line 30, remove the number “1” before “2019”.

6. On page 77934, first column, line 3, the citation “§ 414.423(g)(2)(i)” is corrected to read “§ 414.422(g)(2)(i)”.

Dated: December 19, 2016.

**Madhura Valverde,**

*Executive Secretary to the Department, Department of Health and Human Services.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 219**

[Docket No. FRA–2001–11213, Notice No. 21]

**Drug and Alcohol Testing: Determination of Minimum Random Testing Rates for 2017**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of determination.

**SUMMARY:** This notice of determination provides the FRA Administrator’s minimum annual random drug and alcohol testing rates for calendar year 2017.

**DATES:** Effective December 23, 2016.

**FOR FURTHER INFORMATION CONTACT:** Jerry Powers, FRA Drug and Alcohol Program Manager, W33–310, Federal Railroad Administration, 1200 New Jersey

Avenue SE., Washington, DC 20590 (telephone 202–493–6313); or Sam Noe, FRA Drug and Alcohol Program Specialist (telephone 615–719–2951).

**SUPPLEMENTARY INFORMATION:** For the next calendar year, FRA determines the minimum annual random drug testing rate and the minimum annual random alcohol testing rate for railroad employees covered by hours of service laws and regulations (covered service employees) based on the railroad industry data available for the two previous calendar years (for this Notice, calendar years 2014 and 2015). Railroad industry data submitted to FRA’s Management Information System (MIS) shows the rail industry’s random drug testing positive rate for covered service employees has continued to be below 1.0 percent for the applicable two calendar years. FRA’s Administrator has therefore determined the minimum annual random drug testing rate for the period January 1, 2017, through December 31, 2017, will remain at 25 percent of covered service employees under § 219.602 of FRA’s drug and alcohol rule (49 CFR part 219). In addition, because the industry-wide random alcohol testing violation rate for covered service employees has continued to be below 0.5 percent for the applicable two calendar years, the Administrator has determined the minimum random alcohol testing rate will remain at 10 percent of covered service employees for the period January 1, 2017, through December 31, 2017, under § 219.608. Because these rates represent minimums, railroads may conduct FRA random testing at higher rates.

In a June 10, 2016, final rule, FRA expanded the scope of part 219 to cover

maintenance-of-way (MOW) employees (81 FR 37894). MOW employees will become subject to FRA random drug and alcohol testing on June 12, 2017, when the final rule takes effect. In 1994, when FRA, in concert with the other DOT modes, established a drug MIS system (58 FR 68232, December 23, 1993), FRA set its initial minimum random drug testing rate at 50 percent for covered employees because of the lack of data to gauge the extent of the drug abuse problem at that time. FRA set its minimum random alcohol testing rate for covered employees at 25 percent for the same reason. As its MIS data continued to show consistently low industry-wide drug and alcohol positive rates among covered employees, FRA lowered its minimum annual random drug and alcohol testing rates to their current respective rates of 25 and 10 percent.

Similarly, because FRA has no MIS data for MOW employees yet, the Administrator has determined that for the period June 12, 2017, through December 31, 2017, the minimum annual random drug testing rate will be set at 50 percent of MOW employees, and the minimum annual random alcohol testing rate will be set at 25 percent of MOW employees. As with covered employees, because these rates represent minimums, railroads may conduct FRA random testing of MOW employees at higher rates.

Issued in Washington, DC, on December 20, 2016.

**Sarah E. Feinberg,**  
*Administrator.*

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