

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Part 219**

[FRA Docket No. 2001-11213, Notice 2]

RIN 2130-AA81

**Alcohol and Drug Testing:
Determination of Minimum Random
Testing Rates for 2002; Corrections****AGENCY:** Federal Railroad Administration (FRA), DOT.**ACTION:** Notice of determination; corrections.

SUMMARY: FRA published a document in the *Federal Register* of January 2, 2002, setting the minimum random drug and alcohol testing rates for calendar year 2002. The testing rates are based on 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. Although the original notice correctly set the minimum random testing rates, the overall positive rates for drug testing and alcohol testing were inadvertently transposed. This document corrects the error.

DATES: This correction is effective January 2, 2002.

FOR FURTHER INFORMATION CONTACT: Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, FRA, 1120 Vermont Avenue, NW, Washington, DC 20005 (Telephone: (202) 493-6313).

Corrections

In the *Federal Register* issue of January 2, 2002, in FR Doc. 01-32047, two sentences need correcting. On page 21, in the third column, correct the first sentence of the **SUMMARY** caption to read:

Using data from Management Information System annual reports, FRA has determined that the calendar year 2000 rail industry random testing positive rate was .79 percent for drugs and .20 percent for alcohol.

On page 22, correct the last sentence in the first column that runs over into the second column, in the **SUPPLEMENTARY INFORMATION** caption to read:

In this notice, FRA announces that the minimum random drug testing rate will remain at 25 percent of covered railroad employees for the period January 1, 2002 through December 31, 2002, since the industry random drug testing positive rate for 2001 was .79 percent.

Dated: January 3, 2002.

George A. Gavalla,*Associate Administrator for Safety.*

[FR Doc. 02-559 Filed 1-8-02; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 223**

[Docket No. 010521133-1307-02; I.D. No. 050101B]

RIN 0648-AP17

**Endangered and Threatened Species;
Final Rule Governing Take of Four
Threatened Evolutionarily Significant
Units (ESUs) of West Coast Salmonids****AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.**ACTION:** Final rule.

SUMMARY: Under the Endangered Species Act (ESA), the Secretary of Commerce (Secretary) shall issue such regulations as he deems necessary and advisable for the conservation of species listed as threatened. NMFS now issues a final ESA 4(d) rule adopting regulations necessary and advisable to conserve four salmonid ESUs listed as threatened species. This final rule applies the take prohibitions enumerated in section 9(a)(1) of the ESA in most circumstances to three salmonid ESUs in California: California Central Valley Chinook, California Coastal Chinook, and Northern California steelhead. For these three ESUs, NMFS does not find it necessary and advisable to apply the take prohibitions described in the ESA to certain specified categories of activities that contribute to conserving these ESUs or are governed by a program that adequately limits impacts on these ESUs. Therefore, this final rule also includes 10 such limits on the application of the section 9(a)(1) take prohibitions for these three ESUs. This final rule also modifies an existing ESA 4(d) rule, which applies the take prohibitions to the threatened Central California Coast coho ESU, by incorporating the same 10 limits on the application of the take prohibitions as described for the chinook and steelhead ESUs.

DATES: Effective on March 11, 2002, except for §223.203 (b)(16)(v) and (b)(17)(vii) which are effective on July 8, 2002. Applications for a permit for scientific purposes or a permit to

enhance the conservation or survival of Central Valley spring-run chinook, California Coastal chinook and Northern California steelhead must be received by the Assistant Administrator for Fisheries no later than April 9, 2002.

ADDRESSES: Assistant Regional Administrator, Protected Resources Division, NMFS, Southwest Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Craig Wingert at 562-980-4021, Miles Croom at 707-575-6068, Diane Windham at 916-930-3601, or Chris Mobley at 301-713-1401.

SUPPLEMENTARY INFORMATION:**Background**

On September 16, 1999, NMFS published a final rule listing the California Central Valley (CCV) Spring-run Chinook and California Coastal (CC) Chinook ESUs (*Oncorhynchus tshawytscha* or *O. tshawytscha*) as threatened species (64 FR 50394). In a final rule published on June 7, 2000, NMFS also listed the Northern California (NC) steelhead ESU (*O. mykiss*) as a threatened species (65 FR 36074). These final rules describe the background of the listing actions and provide a summary of NMFS' conclusions regarding the status of these three ESUs.

On October 31, 1996, NMFS listed the Central California Coast (CCC) coho salmon (*O. kisutch*) ESU as a threatened species (61 FR 56138). The final rule describes the background for this coho salmon listing action and also provides a summary of NMFS' conclusions regarding the status of the ESU. In conjunction with the final listing notice for the CCC coho salmon ESU, NMFS published a final ESA 4(d) rule which put in place all of the prohibitions of section 9(a)(1) of the ESA for this ESU.

Section 4(d) of the ESA provides that whenever a species is listed as threatened, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of the species. Such protective regulations may include any or all of the prohibitions that apply automatically to protect endangered species under ESA section 9(a). Those section 9(a) prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any wildlife species listed as