

DEPARTMENT OF TRANSPORTATION**Research and Special Programs Administration****49 CFR Part 199****[Docket RSPA-97-2995; Notice 7]****Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations; Alcohol Misuse Prevention Program****AGENCY:** Research and Special Programs Administration (RSPA), DOT.**ACTION:** Notice of revision of random drug testing.

SUMMARY: RSPA has received and evaluated the 1999 Management Information System (MIS) Data Collection forms for the drug testing pipeline industry personnel. RSPA determined that the random positive drug testing rate for pipeline industry for the period of January 1, 1998, through December 31, 1998, was 0.7 percent. Therefore, the minimum random drug testing rate for the pipeline industry will be maintained at 25 percent of the covered employees for the period of January 1, 2000, through December 31, 2000.

DATES: Effective January 1, 2000 through December 31, 2000.

FOR FURTHER INFORMATION CONTACT: Catrina M. Pavlik, Office of Pipeline Safety, Compliance and State Programs, (DPS-23), Research and Special Programs Administration, 400 7th Street SW., Room 7128, Washington, DC 20590, telephone (202) 366-6199.

SUPPLEMENTARY INFORMATION: In a final rule published on December 23, 1993 (58 FR 68257), RSPA announced that it would require operators of gas, hazardous liquid and carbon dioxide pipelines and liquefied natural gas facilities, who are subject to 49 CFR parts 192, 193 and 195 to implement, maintain, and submit an annual report of their drug testing program data. Any operator with 51 or more covered employees had to submit this information on an annual basis. Operators with 50 or fewer covered employees had to maintain this information, and RSPA randomly selected 100 operators in this category to submit their data. The drug testing statistical data was essential for RSPA to use the data to analyze its current approach to deterring and detecting illegal drug abuse in the pipeline industry, and, as appropriate, plan a more efficient and effective approach. In 1997, RSPA lowered the random drug

testing rate to 25 percent. Since the positive random testing rate continues to be less than 1 percent industry-wide, RSPA announces that in accordance with Section 199.11(c)(3) the minimum random drug testing rate is 25 percent of covered pipeline employees for the period of January 1, 2000, through December 31, 2000.

Submission of MIS reports are due to the Office of Pipeline Safety, Research and Special Programs Administration, DPS-23, Room 7128, 400 7th Street SW., Washington, DC 20590, not later than March 15 each calendar year. Notice of statistical data will be published in the future to report results of each calendar year's MIS Data Collection results. RSPA will also publish at that time whether or not the random rate will be reduced or increased for the pipeline industry pursuant to Section 199.11.

Issued in Washington, DC, on November 23, 1999.

Richard B. Felder,*Associate Administrator for Pipeline Safety.*

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BILLING CODE 4910-60-P**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648****[Docket No. 981014259-8312-02; I.D. 122299B]****Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period**

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

ACTION: Commercial quota harvest for Winter II period.

SUMMARY: NMFS announces that the scup commercial quota available in the Winter II period to the coastal states from Maine to North Carolina has been harvested. Commercial vessels may not land scup in the northeast region for the remainder of the 1999 Winter II quota period (through December 31, 1999). Regulations governing the scup fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing scup in these states.

DATES: DATES: Effective 0001 hours November 26, 1999, through 2400 hours December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Paul H. Jones, Fishery Policy Analyst, (978) 281-9273.

SUPPLEMENTARY INFORMATION:

Regulations governing the scup fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into three quota periods, based upon percentages of the annual quota. The Winter II commercial quota (November through December) is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.120.

The initial total commercial quota for scup for the 1999 calendar year was set equal to 2,534,000 lb (1,149,403 kg)(63 FR 72203, December 31, 1998). The Winter II period quota, which is equal to 15.94 percent of the annual commercial quota (minus a discard estimate), was set at 403,920 lb (183,215 kg).

Section 648.121 requires the Administrator, Northeast Region, NMFS (Regional Administrator) to monitor the commercial scup quota for each quota period, and based upon dealer reports, state data, and other available information, to determine when the commercial quota has been harvested. NMFS is further required to publish notification in the **Federal Register** notifying commercial vessels and dealer permit holders that, effective upon a specific date, the scup commercial quota has been harvested and no commercial quota is available for landing scup for the remainder of the Winter II period.

The regulations at § 648.4(b) provide that Federal scup moratorium permit holders agree as a condition of the permit not to land scup in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for the scup is available. The Regional Administrator has determined, based upon dealer reports and other available information, that the scup commercial quota for the 1999 Winter II period has been harvested and that the Winter II period for scup no longer has commercial quota available. Therefore, effective 0001 hours November 26, 1999, further landings of scup in coastal states from Maine through North Carolina by vessels holding Federal scup moratorium permits are prohibited through 2400 hours December 31, 1999.

The Winter I period for commercial scup harvest will open on January 1, 2000. Effective 0001 hours November 26, 1999, Federally permitted dealers are also advised that they may not purchase scup from Federally permitted vessels that land in coastal states from

Maine through North Carolina for the remainder of the Winter II period (through December 31, 1999).

Classification

This action is required by 50 CFR part 648 and is exempt from review under E.O. 12866.

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

Dated: November 23, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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