

Dated: November 20, 2009.  
**George Pavlou,**  
*Acting Regional Administrator, Region 2.*  
 ■ Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 52—[AMENDED]**

■ 1. The authority citation for part 52 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

**Subpart BBB—Puerto Rico**

■ 2. Section 52.2720 is amended by adding new paragraph (c)(37) to read as follows:

**§ 52.2720 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(37) On March 31, 2009, the Puerto Rico Environmental Quality Board

submitted a Particulate Matter (PM<sub>10</sub>) Limited Maintenance Plan and requested the redesignation of the Municipality of Guaynabo PM<sub>10</sub> Nonattainment area to attainment for PM<sub>10</sub>. EPA approves Puerto Rico's Limited Maintenance Plan including the 2002 PM<sub>10</sub> attainment emissions inventory, attainment plan, maintenance demonstration, contingency measures, monitoring network, transportation conformity analysis and revisions to Rules 102 and 423 of the Puerto Rico Regulation for the Control of Atmospheric Pollution. On July 15, 2009, the Puerto Rico Environmental Quality Board submitted the official copy of the adopted revisions to Rules 102 and 423.

(i) Limited Maintenance Plan 24-Hour PM<sub>10</sub> National Ambient Air Quality Standards (NAAQS) for the Municipality of Guaynabo Moderate

Nonattainment Area which includes amendments to Rules 102 and 423 of the Regulation for the Control of Atmospheric Pollution, approved by the Puerto Rico Environmental Quality Board March 5, 2009; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

(A) Rule 102 Definitions, Guaynabo PM<sub>10</sub> Maintenance Area; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

(B) Rule 423 Limitations for the Guaynabo PM<sub>10</sub> Maintenance Area; filed with the Secretary of State April 28, 2009; effective May 28, 2009.

■ 3. Section 52.2723, the table is amended by revising the entries for Rule 102 and Rule 423 to read as follows:

**§ 52.2723 EPA-approved Puerto Rico regulations.**

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Puerto Rico regulations	Commonwealth effective date	EPA approval date	Comments
* * * * *	* * * * *	* * * * *	* * * * *
Rule 102, Definitions .....	5/28/09	1/12/10, [Insert FR page citation].	*
* * * * *	* * * * *	* * * * *	* * * * *
Rule 423, Limitations for the Guaynabo PM <sub>10</sub> Maintenance Area.	5/28/09	1/12/10, [insert FR page citation].	*
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**PART 81—[AMENDED]**

■ 4. The authority citation for part 81 continues to read as follows:

*Authority:* 42 U.S.C. 7401 *et seq.*

■ 5. In § 81.355, the table entitled “Puerto Rico—PM-10” is amended by removing the entry for “Guaynabo County” and adding in its place the

entry “Municipality of Guaynabo” to read as follows:

**§ 81.355 Puerto Rico.**

\* \* \* \* \*

PUERTO RICO—PM<sub>10</sub>

Designated area	Designation		Classification	
	Date	Type	Date	Type
Municipality of Guaynabo .....	1/12/10	Attainment.		
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *

\* \* \* \* \*  
 [FR Doc. 2010-258 Filed 1-11-10; 8:45 am]  
 BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 09-2647; MB Docket No. 09-122; RM-11544]

**Television Broadcasting Services; Bangor, ME**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has before it a petition for rulemaking filed by Community Broadcasting Service, the licensee of WABI-TV, channel 19, Bangor, Maine, requesting the substitution of channel 13 for channel 19 at Bangor.

**DATES:** This rule is effective February 11, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MB Docket No. 09-122, adopted December 31, 2009, and released January 4, 2010. The full text of this document is available for public inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 12th Street, SW., Washington, DC 20554. This document will also be available via ECFS (<http://fjallfoss.fcc.gov/ecfs/>). This document may be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-478-3160 or via the company's Web site, <http://www.bcipweb.com>. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional review Act, *see* 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 73**

Television, Television broadcasting.

■ For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 73 as follows:

**PART 73—RADIO BROADCAST SERVICES**

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

**§ 73.622 [Amended]**

■ 2. Section 73.622(i), the Post-Transition Table of DTV Allotments under Maine, is amended by adding

channel 13 and removing channel 19 at Bangor.

Federal Communications Commission.

**Clay C. Pendarvis,**

*Associate Chief, Video Division, Media Bureau.*

[FR Doc. 2010-329 Filed 1-11-10; 8:45 am]

**BILLING CODE 6712-01-P**

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

[Docket No. 2001-11213, Notice No. 13]

**RIN 2130-AA81**

**Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2010**

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

**ACTION:** Notice of Determination.

**SUMMARY:** Using data from Management Information System annual reports, FRA has determined that the 2008 rail industry random testing positive rates were 0.46 percent for drugs and 0.15 percent for alcohol. Because the industry-wide random drug testing positive rate has remained below 1.0 percent for the last two years of data, the Federal Railroad Administrator (Administrator) has determined that the minimum annual random drug testing rate for the period January 1, 2010, through December 31, 2010, will remain at 25 percent of covered railroad employees. In addition, because the industry-wide random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2010, through December 31, 2010.

**DATES:** This notice is effective upon publication.

**FOR FURTHER INFORMATION CONTACT:** Lamar Allen, Alcohol and Drug Program Manager, Office of Safety Enforcement, Mail Stop 25, Federal Railroad Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590, (telephone 202-493-6313); or Kathy Schnakenberg, FRA Alcohol/Drug Program Specialist, (telephone 816-561-2714).

**SUPPLEMENTARY INFORMATION:**

**Administrator's Determination of 2010 Minimum Random Drug and Alcohol Testing Rates**

In a final rule published on December 2, 1994 (59 FR 62218), FRA announced 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 each year, announcing the minimum random drug and alcohol testing rates for the following year. *See* 49 CFR 219.602 and 219.608.

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, FRA announces that the minimum random drug testing rate will remain at 25 percent of covered railroad employees for the period January 1, 2010 through December 31, 2010, because the industry random drug testing positive rate was below 1.0 percent for the last two years (the drug testing positive rate was .046 percent in 2008 and .056 percent in 2007). The minimum random alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2010 through December 31, 2010, because the industry-wide violation rate for alcohol has remained