

action for purposes of Executive Order 12866 or the Department's regulatory policies and procedures. The rule would not impose any costs or burdens on grantees or other parties. It would reduce burdens on recipients by reducing the frequency of goal submissions to the Department. For these reasons, the Department certifies that the rule would not have a significant economic impact on a substantial number of small entities.

#### *Paperwork Reduction Act*

This rule does not create any information collection requirements covered by the Paperwork Reduction Act.

#### **List of Subjects in 49 CFR Part 26**

Administrative practice and procedures, Airports, Civil rights, Government contracts, Grant programs—transportation, Minority business, Reporting and recordkeeping requirements.

Issued this 20th day of January 2010, at Washington, DC.

**Ray LaHood,**

*Secretary of Transportation.*

■ For the reasons stated in the preamble, the Department amends 49 CFR part 26 as follows:

#### **PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS**

■ 1. The authority for 49 CFR part 26 continues to read as follows:

**Authority:** 23 U.S.C. 324; 42 U.S.C. 2000d, *et seq.*; 49 U.S.C 1615, 47107, 47113, 47123; Sec. 1101(b), Pub. L. 105–178, 112 Stat. 107, 113.

#### **Subpart C—Goals, Good Faith Efforts, and Counting**

■ 2. Revise § 26.45(e) and (f) to read as follows:

##### **§ 26.45 How do recipients set overall goals?**

\* \* \* \* \*

(e) Once you have determined a percentage figure in accordance with paragraphs (c) and (d) of this section, you should express your overall goal as follows:

(1) If you are an FHWA recipient, as a percentage of all Federal-aid highway funds you will expend in FHWA-assisted contracts in the forthcoming three fiscal years.

(2) If you are an FTA or FAA recipient, as a percentage of all FTA or FAA funds (exclusive of FTA funds to

be used for the purchase of transit vehicles) that you will expend in FTA- or FAA-assisted contracts in the three forthcoming fiscal years.

(3) In appropriate cases, the FHWA, FTA or FAA Administrator may permit you to express your overall goal as a percentage of funds for a particular grant or project or group of grants and/or projects.

(f)(1) If you set overall goals on a fiscal year basis, you must submit them to the applicable DOT operating administration by August 1 at three-year intervals, based on a schedule established by the FHWA, FTA, or FAA, as applicable, and posted on that agency's Web site. You must submit to the operating administration for approval any significant adjustment you make to your goal during the three-year period based on changed circumstances. The operating administration may direct you to undertake a review of your goal if necessary to ensure that the goal continues to fit your circumstances appropriately.

(2) If you are an FHWA, FTA, or FAA recipient and set your overall goal on a project or grant basis, you must submit the goal for review at a time determined by the FHWA, FTA, or FAA Administrator.

(3) Timely submission and operating administration approval of your overall goal is a condition of eligibility for DOT financial assistance.

(4) If you fail to establish and implement goals as provided in this section, you are not in compliance with this part. If you establish and implement goals in a way different from that provided in this part, you are not in compliance with this part. If you fail to comply with this requirement, you are not eligible to receive DOT financial assistance.

\* \* \* \* \*

[FR Doc. 2010–2294 Filed 2–2–10; 8:45 am]

**BILLING CODE P**

## **DEPARTMENT OF TRANSPORTATION**

### **Pipeline and Hazardous Materials Safety Administration**

#### **49 CFR Parts 192 and 195**

[Docket No. PHMSA–2007–27954; Amdt. Nos. 192–112 and 195–93]

**RIN 2137–AE28**

#### **Pipeline Safety: Control Room Management/Human Factors, Correction**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** PHMSA is correcting a Final Rule that appeared in the **Federal Register** on December 3, 2009. That final rule amended the Federal Pipeline Safety Regulations to address human factors and other aspects of control room management for pipelines where controllers use supervisory control and data acquisition (SCADA) systems, but contained errors regarding certain dates, both in the preamble and the amendments. This document corrects those errors.

**DATES:** *Effective Date:* February 3, 2010. *Applicability Date:* This correction is applicable beginning February 1, 2010.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact Byron Coy at (609) 989–2180 or by e-mail at [Byron.Coy@dot.gov](mailto:Byron.Coy@dot.gov). For legal information contact Benjamin Fred at (202) 366–4400 or by e-mail at [Benjamin.Fred@dot.gov](mailto:Benjamin.Fred@dot.gov). All materials in the docket may be accessed electronically at <http://www.regulations.gov>. General information about PHMSA may be found at <http://phmsa.dot.gov>.

**SUPPLEMENTARY INFORMATION:** On December 3, 2009, PHMSA published a final rule in the **Federal Register** (74 FR 63310) entitled “Pipeline Safety: Control Room Management/Human Factors.” This final rule contained several errors regarding certain compliance dates. The final rule became effective on February 1, 2010, and the corrected dates detailed in this final rule correction are applicable as of February 1, 2010.

On page 63311 of the preamble to the December 3 rule, in the first column in the **DATES** section, the compliance date is corrected to read “Compliance Date: An operator must develop control room management procedures by August 1, 2011, and implement the procedures by February 1, 2013.”

■ Therefore, in accordance with the reasons stated in the preamble, PHMSA

amends 49 CFR part 192 by making the following correcting amendments:

**PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS**

■ 1. The authority citation for part 192 continues to read as follows:

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60109, 60110, 60113, and 60118; and 49 CFR 1.53.

**§ 192.631 [Amended]**

■ 2. In paragraph (a)(2), in the second sentence, remove the phrase “implement the procedures no later than February 1, 2012” and add the phrase “implement the procedures no later than February 1, 2013” in its place.

**§ 195.446 [Amended]**

■ 3. In paragraph (a), in the last sentence, remove the phrase “implement the procedures no later than February 1, 2012”, and add the phrase “implement the procedures no later than February 1, 2013” in its place.

Issued in Washington, DC, on January 28, 2010.

**Cynthia L. Quarterman,**  
Administrator.

[FR Doc. 2010–2190 Filed 2–2–10; 8:45 am]

**BILLING CODE 4910–60–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 0907301206–0032–02]

**RIN 0648–AY13**

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures**

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

**ACTION:** Final rule.

**SUMMARY:** This action implements 2010 specifications and management measures for Atlantic mackerel, squid,

and butterfish (MSB). Specifically, this action maintains quotas for Atlantic mackerel (mackerel), *Illex* squid (*Illex*), *Loligo* squid (*Loligo*), and butterfish at the same levels as 2009. This action also modifies accounting procedures for underages of Trimester 1 quotas in the *Loligo* fishery so that Trimester 1 quota underages that are greater than 25 percent of the Trimester 1 quota will be allocated equally to Trimesters 2 and 3, and underages that are less than 25 percent of the Trimester 1 quota will be allocated to Trimester 3. Additionally, this action will increase the minimum mesh size requirement for codend covers in the *Loligo* fishery from 4.5 inches (11.43 cm) to 5 inches (12.7 cm). These specifications and management measures promote the utilization and conservation of the MSB resource.

**DATES:** Effective March 5, 2010, except for the amendment to § 648.23(a)(3)(i), which is effective August 3, 2010.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council (Council), including the Environmental Assessment (EA) and Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA), are available from: Daniel Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904–6790. The EA/RIR/IRFA is accessible via the Internet at <http://www.nero.noaa.gov>. NMFS prepared a Final Regulatory Flexibility Analysis (FRFA), which is contained in the classification section of the rule. Copies of the FRFA and the Small Entity Compliance Guide are available from: Patricia Kurkul, Regional Administrator, National Marine Fisheries Service, Northeast Region, 55 Great Republic Drive, Gloucester, MA 01930–2276, or via the Internet at <http://www.nero.noaa.gov>.

**FOR FURTHER INFORMATION CONTACT:** Carrie Nordeen, Fishery Policy Analyst, 978–281–9272, fax 978–281–9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

Regulations implementing the Fishery Management Plan for the Atlantic Mackerel, Squid, and Butterfish Fisheries (FMP) appear at 50 CFR part 648, subpart B. Regulations governing foreign fishing appear at 50 CFR part

600, subpart F. These regulations at § 648.21 and § 600.516(c), require that NMFS, based on the maximum optimum yield (Max OY) of each fishery as established by the regulations, annually publish a proposed rule specifying the amounts of the initial optimum yield (IOY), allowable biological catch (ABC), domestic annual harvest (DAH), and domestic annual processing (DAP), as well as, where applicable, the amounts for total allowable level of foreign fishing (TALFF) and joint venture processing (JVP) for the affected species managed under the FMP. In addition, these regulations allow specifications to be specified for up to 3 years, subject to annual review. The regulations at § 648.21 also specify that IOY for squid is equal to the combination of research quota (RQ) and DAH, with no TALFF specified for squid. For butterfish, the regulations specify that a butterfish bycatch TALFF will be specified only if TALFF is specified for mackerel.

At its June 9–11, 2009, meeting in New York, NY, the Mid-Atlantic Fishery Management Council (Council) recommended 2010 MSB specifications. The recommended specifications for mackerel, *Illex*, *Loligo*, and butterfish are the same as those implemented in 2009. For *Loligo*, the Council recommended a modification in accounting Trimester 1 quota underages. The Council also recommended increasing the minimum mesh size requirement for codend covers in the *Loligo* fishery. The Council submitted these recommendations, along with the required analyses, for agency review on August 10, 2009. A proposed rule for the 2010 MSB specifications and management measures was published on November 12, 2009 (74 FR 58234), and the public comment period for the proposed rule ended on December 14, 2009. Details concerning the Council's development of these measures were presented in the preamble of the proposed rule and are not repeated here.

**Final MSB Specifications and Management Measures for the 2010 Fishing Year**

This action implements the following MSB specifications and management measures for the 2010 fishing year, which are described in detail below.

**TABLE 1—FINAL SPECIFICATIONS, IN METRIC TONS (MT), FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH FOR 2010 FISHING YEAR**

Specifications	<i>Loligo</i>	<i>Illex</i>	Mackerel	Butterfish
Max OY .....	32,000	24,000	N/A	12,175