

below for instructions on submitting comments.

Comments must also be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th Street, NW., Washington, DC 20053, Attention: Desk Officer for the Department of Transportation.

**FOR FURTHER INFORMATION CONTACT:**

Elaine Papp, Physical Qualifications Division, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., SE., Washington, DC 20590-0001. Telephone: (202) 366-4001. E-mail: [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Motor Carrier Safety Administration (FMCSA) is making available for public comment a modification of the proposed information collection request (ICR) related to the notice of proposed rulemaking (NPRM) for the National Registry of Certified Medical Examiners (NRCME) published on December 1, 2008 (73 FR 73129). Other information collection requirements were made available for public comments in the same issue as the NPRM (*see* 73 FR at 73140-42).

*Public Participation and Request for Comments:* We encourage you to submit comments on the modification to the Information Collection Request related to the proposed NRCME. All comments received will be posted, without change, to <http://www.regulations.gov> and will include any personal information you have provided.

*Privacy Act:* Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

*Title:* National Registry of Certified Medical Examiners (NRCME).

*Summary:* The Secretary of Transportation is required to establish and maintain a national registry of medical examiners that are qualified to perform examinations and issue medical certificates that verify whether a CMV driver's physical qualifications meet FMCSA standards. In addition, medical examinations of CMV operators will be performed by MEs who have received training in physical and medical examination standards, and, after the NRCME is established, are listed on the NRCME. 49 U.S.C. 31136(a)(3) and

31149. Once the NRCME Program is implemented, FMCSA will accept medical examinations performed only by certified MEs listed on the NRCME, as required by law.

Several new proposed information collection requirements related to the proposed NRCME were described in the Notice of Proposed Rulemaking published on December 1, 2008. In each case, the relationship of the proposed information collection to the proposals in the NPRM was explained, and an estimate of the information collection burden was provided. An opportunity to provide public comment on those requirements and the estimated burden, as required by the Paperwork Reduction Act, was made available at that time. FMCSA, in response to comments on the proposed rule, is considering whether to include an additional information collection requirement that would be a substantial modification of the information collection requirements involved. The provision under consideration would require employers of CMV drivers to verify the National Registry Number of the ME for each driver required to be examined by an ME on the National Registry, and place a note relating to verification in the driver qualification file. This information collection requirement provides proof the employer has met its obligation to require drivers to comply with the regulations that apply to the driver (49 U.S.C. 31135[a] and 49 CFR 390.11).

*Respondents (Including the Number of):* The likely respondents to this proposed information requirement are the 1,193,083 employers of the 7,000,000 CMV drivers required to obtain medical certificates. In any given year, FMCSA estimates that approximately 4,600,000 CMV drivers will respond and provide their certificates to their employers.

*Frequency:* FMCSA estimates that approximately 4,622,925 verifications and recordkeeping actions will be performed by employers each year.

*Annual Burden Estimate:* This proposal would result in an annual recordkeeping and reporting burden as follows:

We estimate it will take motor carrier administrative personnel 4 minutes to verify the National Registry Number, write a note regarding the verification, and file the note in the driver qualification file, so this will require approximately 308,195 hours of administrative personnel time on a yearly basis (4,622,925 verifications × 4 minutes/60 minutes per verification = 308,195 hours).

The total estimated annual recordkeeping and time burden for all information collections related to the physical qualification requirements is approximately 2,092,243 hours.

Any comments submitted in response to this notice will be summarized in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 8, 2011.

**Kelly Leone,**

*Associate Administrator and Chief Information Officer, Research and Information Technology, Director, Information Technology and Deputy CIO, FMCSA.*

[FR Doc. 2011-5885 Filed 3-15-11; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 665

**RIN 0648-AY93**

#### Fisheries in the Western Pacific; Mechanism for Specifying Annual Catch Limits and Accountability Measures

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

**ACTION:** Notice of availability of fishery ecosystem plan amendments; request for comments.

**SUMMARY:** NMFS announces that the Western Pacific Fishery Management Council (Council) proposes to amend its five fishery ecosystem plans (FEPs) to establish a mechanism for specifying annual catch limits (ACLs) and accountability measures (AMs), adopt the ecosystem component species classification described in the NMFS advisory guidelines for National Standard 1, and identify management unit species that have statutory exceptions to the ACL and AM requirements. The intent of the amendment is end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield.

**DATES:** Comments on the amendment must be received by May 16, 2011.

**ADDRESSES:** Comments on the amendment, identified by 0648-AX93, may be sent to either of the following addresses:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal <http://www.regulations.gov>; or

• *Mail:* Mail written comments to Michael D. Tosatto, Regional Administrator, NMFS, Pacific Islands Region (PIR), 1601 Kapiolani Blvd, Suite 1110, Honolulu, HI 96814–4700.

*Instructions:* Comments must be submitted to one of these two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the commenter may be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

Copies of the amendment (Amendment 2 to the American Samoa FEP, Amendment 3 to the Hawaii FEP, Amendment 2 to the Mariana Archipelago FEP, Amendment 1 to the Pacific Remote Islands Areas FEP, and Amendment 4 to the western Pacific Pelagic fisheries FEP are identical), including an environmental assessment and background information on the action, are available from <http://www.regulations.gov> and from the Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or <http://www.wpcouncil.org>.

**FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–944–2108.

**SUPPLEMENTARY INFORMATION:** In 2006, the Magnuson-Stevens Fishery Conservation and Management Act was amended to include new provisions that facilitate preventing and ending overfishing, and rebuilding overfished stocks. Specifically, each council’s fishery management plan must include a mechanism for specifying ACLs so that overfishing does not occur. AMs are also required to prevent ACLs from being exceeded, and to correct or mitigate any overages of the ACL. The ACL and AM mechanism would be applied to all fisheries, except species that are subject to an international fishery agreement in which the U.S. participates, or have a life cycle of approximately one year or less. The National Standard 1 guidelines, published by NMFS on January 16, 2009 (74 FR 3178), provides guidance for establishing ACLs and AMs, and exceptions to the requirements.

This amendment would establish a mechanism for specifying ACLs and AMs in each of the five western Pacific FEPs. They would include a tier of control rules which the Council’s Scientific and Statistical Committee would apply to determine an acceptable biological catch limit. These control rules would account for scientific uncertainty in the estimate of a fishery’s overfishing limit, and the probability of overfishing. The mechanism would also include qualitative methods for determining the probability of overfishing and for setting ACLs, and describe a suite of AMs to prevent ACLs from being exceeded or to mitigate

overages of an ACL, including use of annual catch targets.

This amendment would also identify species that have statutory exceptions to the ACL and AM requirements; at present, these are all western Pacific pelagic management unit species. Finally, the amendment incorporates existing status determination criteria, as described in the five western Pacific FEPs. The Council would continue to use the SDC in determining the overfishing and overfished status of western Pacific fisheries, whereby exceeding the maximum fishing mortality threshold for a period of one year or more constitutes overfishing, and a stock is considered overfished if its biomass falls below the minimum stock size threshold. The amendment also describes the Council’s intent to use the “ecosystem component” classification defined in the National Standard 1 guidelines. Specifying ecosystem component species is not part of this amendment; it would be done in future amendments to the appropriate FEP(s).

Public comments on the proposed amendment must be received by May 16, 2011 to be considered by NMFS in the decision to approve, partially approve, or disapprove the amendment. NMFS soon expects to publish and request public comment on a proposed rule that would implement the ACL mechanism.

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

Dated: March 11, 2011.

**Margo Schulze-Haugen,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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