

penalty calculations implementing 49 U.S.C. 521(b)(2)(D).

(g) *Supporting documents required (motor carriers subject to a Remedial Directive under 49 CFR part 385, subpart J).* Motor carriers subject to a Remedial Directive must retain and maintain all supporting documents as described in that directive.

(h) The driver must submit or forward by mail the driver's supporting documents and the original record of duty status to the regular employing motor carrier within 3 days of the 24-hour period to which the receipt pertains, or the day the document comes into the driver's or motor carrier's possession, whichever is later. If a supporting document is submitted electronically, the driver shall submit the supporting document within 24 hours.

(i) FMCSA may authorize on a case-by-case basis, motor carrier self-compliance systems.

(1) Requests for supporting document self-compliance systems may be submitted to FMCSA under the procedures described in 49 CFR part 381, subpart C (Exemptions).

(2) FMCSA will consider requests concerning types of supporting documents maintained by the motor carrier under § 395.8(k)(1) and the method by which a driver retains and maintains a copy of the record of duty status for the previous 7 days and makes it available for inspection while on duty in accordance with § 395.8(k)(2).

(j) Motor carriers maintaining date, time, and location data produced by an EOBR that complies with § 395.16 need only maintain additional supporting documents (*e.g.*, driver payroll records, fuel receipts) that provide the ability to verify non-driving status according to the requirements of § 395.8(a)(2).

11. Amend § 395.16 by revising paragraph (a) to read as follows:

**§ 395.16 Electronic on-board recording devices.**

(a) This section applies to electronic on-board recording devices (EOBRs) used to record the driver's hours of service as specified by part 395. Every driver required by a motor carrier to use an EOBR shall use such device to record the driver's hours of service.

(1) Motor carriers subject to a remedial directive to install, use, and maintain EOBRs, issued in accordance with 49 CFR part 385, subpart J, must comply with this section.

(2) For commercial motor vehicles manufactured on and after June 4, 2012, motor carriers must install and use an electronic device that meets the

requirements of this section to record hours of service.

(3) Motor carriers operating commercial motor vehicles must install EOBRs and require their drivers to use an EOBR to record the driver's hours of service except for commercial motor vehicles operated by drivers eligible to use only accurate and true time records to record drivers' hours of service under the provisions of § 395.1(e)(1) and (2).

(4) Motor carriers must install and require their drivers to use hours-of-service recording devices in accordance with this section in their commercial motor vehicles no later than [INSERT DATE THREE YEARS AFTER THE EFFECTIVE DATE OF THE FINAL RULE].

\* \* \* \* \*

Issued on: January 26, 2011.

**Anne S. Ferro,**  
Administrator, FMCSA.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

RIN 0648-AX70

#### Fisheries of the Northeastern United States; Monkfish; Amendment 5

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

**ACTION:** Notice of availability of a fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the New England Fishery Management Council (NEFMC) has submitted Amendment 5 to the Monkfish Fishery Management Plan (FMP) (Amendment 5), incorporating a draft Environmental Assessment (EA) and an Initial Regulatory Flexibility Analysis (IRFA), for review by the Secretary of Commerce. NMFS is requesting comments from the public on Amendment 5, which was developed by the New England and Mid-Atlantic Fishery Management Councils (Councils) to bring the Monkfish FMP into compliance with the annual catch limit (ACL) and accountability measure (AM) requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**DATES:** Public comments must be received on or before April 4, 2011.

**ADDRESSES:** A draft EA was prepared for Amendment 5 that describes the proposed action and other considered alternatives, and provides a thorough analysis of the impacts of the proposed measures and alternatives. Copies of Amendment 5, including the draft EA and the IRFA, are available on request from Paul J. Howard, Executive Director, New England Fishery Management Council (Council), 50 Water Street, Newburyport, MA 01950. These documents are also available online at <http://www.nefmc.org>.

You may submit comments, identified by 0648-AX70, by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal: <http://www.regulations.gov>.

- **Fax:** (978) 281-9135, Attn: Allison McHale.

- **Mail:** Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, "Comments on Monkfish Amendment 5."

**Instructions:** No comments will be posted for public viewing until after the comment period has closed. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (for example, name, address, etc.) voluntarily submitted 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). You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Allison McHale, Fishery Policy Analyst, (978) 281-9103; fax: (978) 281-9135.

#### SUPPLEMENTARY INFORMATION:

##### Background

The monkfish fishery is jointly managed by the Councils, with the NEFMC having the administrative lead. The fishery extends from Maine to North Carolina, and is divided into two management units: The Northern Fishery Management Area (NFMA) and the Southern Fishery Management Area (SFMA).

The Councils developed Amendment 5 with the primary goal of bringing the

Monkfish FMP into compliance with the requirements of the reauthorized Magnuson-Stevens Act. The 2006 reauthorization of the Magnuson-Stevens Act contains several new requirements including the requirement that all fisheries adopt ACLs to prevent overfishing, and measures to ensure accountability.

Amendment 5 was also developed to bring the Monkfish FMP into compliance with recently revised National Standard 1 (NS1) Guidelines (74 FR 3178; January 16, 2009) which not only establish a process for setting ACLs and guidance for establishing AMs, but also provides updated guidelines for establishing reference points and control rules (*i.e.*, maximum sustainable yield (MSY), optimum yield (OY), overfishing limits (OFL), acceptable biological catch (ABC), ACLs, and annual catch targets (ACTs)) and clarifies the relationships among them. Amendment 5 would establish biological and management reference points to be consistent with NS1 guidelines utilizing recent scientific information from the 2007 Northeast Data Poor Stocks Working Group assessment.

In addition to establishing revised biological and management reference points, ACLs, and AMs for the monkfish fishery, Amendment 5 also proposes measures intended to promote efficiency and reduce waste in the monkfish fishery. First, a measure is being proposed that would minimize regulatory discards resulting from monkfish trip limit overages by allowing vessels to land an additional trip limit (one day's worth) and have their DAS usage for that trip adjusted to account for the overage. Second, a measure is being proposed that would allow the landing of monkfish heads separate from the body by adding a new conversion factor and authorized landing form to the FMP. Lastly, a measure is being proposed in Amendment 5 that would enable changes to be made to the Monkfish RSA Program through a framework adjustment versus an FMP amendment.

Public comments are being solicited on Amendment 5 and its incorporated documents through the end of the comment period stated in this notice of availability. A proposed rule that would implement Amendment 5 will be published in the **Federal Register** for public comment. Public comments on the proposed rule must be received by the end of the comment period provided in this notice of availability of Amendment 5 to be considered in the approval/disapproval decision on the amendment. All comments received by

April 4, 2011, whether specifically directed to Amendment 5 or the proposed rule for Amendment 5, will be considered in the approval/disapproval decision on Amendment 5. Comments received after that date will not be considered in the decision to approve or disapprove Amendment 5. To be considered, comments must be received by close of business on the last day of the comment period.

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

Dated: January 26, 2011.

**Emily H. Menashes,**

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

[FR Doc. 2011-2200 Filed 1-31-11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 680

**RIN 0648-BA11**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources

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

**ACTION:** Notice of availability of fishery management plan amendment; request for comments.

**SUMMARY:** The Bering Sea/Aleutian Islands (BSAI) Crab Rationalization Program (Program) allocates BSAI crab resources among harvesters, processors, and coastal communities. Amendment 37 would amend the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (FMP) and the Program by establishing a process for eligible fishery participants to request that NMFS exempt holders of West-designated individual fishing quota (IFQ) and individual processor quota (IPQ) in the Western Aleutian Islands golden king crab fishery from the West regional delivery requirements. Federal regulations require West-designated golden king crab IFQ to be delivered to a processor in the West region of the Aleutian Islands with an exact amount of unused West-designated IPQ. However, processing capacity may not be available each season. Amendment 37 is necessary to prevent disruption to the Western Aleutian Islands golden king crab fishery, while providing for the

sustained participation of municipalities in the region. This proposed action is intended to promote the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the FMP, and other applicable laws.

**DATES:** Comments on the amendment must be submitted on or before April 4, 2011.

**ADDRESSES:** Send comments to James W. Balsiger, Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, Attn: Ellen Sebastian. You may submit comments, identified by "RIN 0648-BA11", by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov>.

- **Mail:** P.O. Box 21668, Juneau, AK 99802.

- **Fax:** (907) 586-7557.

- **Hand delivery to the Federal Building:** 709 West 9th Street, Room 420A, Juneau, AK.

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) voluntarily submitted 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, Excel, WordPerfect, or Adobe portable document file (pdf) formats only.

Copies of Amendment 37, the Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis, the categorical exclusion prepared for this action, and the Environmental Impact Statement, RIR, Final Regulatory Flexibility Analysis, and Social Impact Analysis prepared for the Program may be obtained from the Alaska Region Web site at <http://www.alaskafisheries.noaa.gov/sustainablefisheries.htm>.

**FOR FURTHER INFORMATION CONTACT:** Seanbob Kelly, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Act requires that each regional fishery management council submit any fishery management plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval by the Secretary of Commerce (Secretary). The Magnuson-