

Guidance: Yes. The air brake restriction applies only to the principal braking system used to stop the vehicle. Section 383.95(a) is not applicable to an air-assisted mechanism to release the parking brake.

Regulatory Guidance for 49 CFR 383.113—Required Skills

Question 1: May a driver use a truck tractor (as defined in 49 CFR 390.5) as a representative vehicle for purposes of completing the skills tests for a Class B CDL?

Guidance: Yes, but only if the truck tractor has a GVWR of 26,001 pounds or more.

Regulatory Guidance for 49 CFR 383.153—Information on the Document and Application

Question 1: May a State issue a CDL without a color photograph?

Guidance: Yes, if requiring a photograph (whether in color or black and white) would violate a driver's religious beliefs. The issuing State must determine whether a driver's objection to a photograph has a genuine religious basis.

Regulatory Guidance for 49 CFR 383 Special Topics CDL Requirements

Question 1: What skills test and restrictions are required for a CDL holder seeking to add a passenger endorsement?

Guidance: The adding of an endorsement is considered a license upgrade and is regulated by §§ 383.71(e) and 383.73(e). The additional knowledge and skills testing requirements for passenger endorsements are found at § 383.117. Three scenarios may arise when a CDL holder applies for a passenger endorsement:

a. The skills test is taken in a passenger vehicle that is in the same vehicle Class as the current CDL. In this scenario, the CDL holder retains the preexisting class of CDL and the passenger endorsement is added.

b. The skills test is taken in a passenger vehicle that is in a higher vehicle Class than that of the current CDL. In this scenario, the CDL holder is issued a higher class CDL with the passenger endorsement.

c. The skills test is taken in a passenger vehicle that is in a lower vehicle class than the current CDL. In this scenario, the CDL holder retains the vehicle class of the current CDL, but is restricted to driving passenger vehicles in the class in which the passenger skills test was taken, or any lower class.

PART 384—STATE COMPLIANCE WITH COMMERCIAL DRIVER'S LICENSE PROGRAM

Regulatory Guidance for 49 CFR 384.209 Notification of Traffic Violations

Question 1: Must the licensing agency establish a commercial driver record, including a CDLIS pointer record, for a person holding a non-commercial license issued by that jurisdiction upon receiving notification of a conviction of any offense committed while (illegally) operating a CMV?

Guidance: Yes.

Regulatory Guidance for 49 CFR 384.231 Satisfaction of State Disqualification Requirement

Question 1: When accepting an applicant transferring from another State whose record reveals a disqualifying conviction for which the originating State did not take a disqualifying action, is the transferee State required to take the disqualifying action?

Guidance: Yes. Section 384.206(b)(1) requires a State, including a transferee State, to check the applicant's driving record for the past 10 years in every State where he/she was licensed. If adverse information is discovered, § 384.206(b)(3) requires a State, including a transferee State, to "promptly implement the disqualifications . . . that are called for in any applicable section(s) of this subpart." Section 384.231(a) makes the requirements of § 384.206(b) applicable to the "State of licensure"—which includes a transferee State under §§ 384.206(b)(1) and 384.231(b) then requires disqualifying action against a CDL holder who has been convicted of a disqualifying offense committed after the Federal compliance date for that disqualification for that offense, but has not yet served the disqualification.

Issued on: March 1, 2019.

Raymond P Martinez,
Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769-8162-02]

RIN 0648-XG869

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Hook-and-Line Catcher/Processors in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by hook-and-line catcher/processors in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2019 Pacific cod total allowable catch apportioned to hook-and-line catcher/processors in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), March 5, 2019, through 1200 hours, A.l.t., June 10, 2019.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2019 Pacific cod total allowable catch (TAC) apportioned to hook-and-line catcher/processors in the Central Regulatory Area of the GOA is 234 metric tons (mt), as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8786, March 1, 2018).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance

of the 2019 Pacific cod TAC apportioned to hook-and-line catcher/processors in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 224 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by hook-and-line catcher/processors in the Central Regulatory Area of the GOA. While this closure is effective the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by hook-and-line catcher/processors in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for

public comment because the most recent, relevant data only became available as of March 4, 2019.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 5, 2019.

Karen H. Abrams,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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