potential radio licensees and permittees, insofar as they would require or allow certain applicants to demonstrate their qualifications to apply for an FM channel allotted using the Tribal Priority. However, the information to be filed is already familiar to broadcasters, and the information requested to claim the Tribal Priority is similar to current section 307(b) showings, so any additional burdens would be minimal.

To the extent that other applicants would be disadvantaged by Tribes qualifying for the Tribal Priority and the proposed alternative “threshold qualifications” approach, the Commission believes that such burdens would be offset by the fact that the Tribal Priority is designed to redress inequities in the number of Tribal radio licensees, compared to the population of Tribal citizens in the United States and the fact that some of these citizens were deprived of their original Tribal lands. The Tribal Priority, then, not only helps the Commission to meet its goals of ownership and program diversity, but also furthers the Federal government’s obligations toward Tribes to assist them in promulgating Tribal languages and cultures, and to support Tribal self-government. The approach proposed by the Commission would also apply only to FM allotments added to the Table of Allotments using the Tribal Priority, and thus would apply only to proposed facilities serving primarily Tribal communities. Adoption of the threshold qualifications approach would thus assist Tribes in pursuing commercial radio licensing opportunities and would enable ownership of facilities added to the FM Table of Allotments by Tribes or Tribal-owned entities that are charged with promoting Tribal self-governance.

Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities (5 U.S.C. 603(b)).

The Commission seeks comment as to whether its goals could be more effectively accomplished through the use of a “threshold qualifications” approach, limiting applications for Tribal-priority-added FM allotments to those filed by Tribes or Tribal-owned entities. The Commission is open to consideration of alternatives to the proposals under consideration, as set forth herein, including but not limited to alternatives that will minimize the burden on broadcasters, most of whom are small businesses. There may be unique circumstances these entities may face, and we will consider appropriate action for small broadcasters when preparing a Third Report and Order in this matter.

Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission’s Proposals

None.

This document is available in alternative formats (computer diskette, large print, audio record, and Braille). Persons with disabilities who need information in these formats may request them by e-mail at FCC504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ordering Clause

Accordingly, it is ordered, pursuant to the authority contained in sections 1, 2, 4(1), 303, 307, and 309(j) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, 307, and 309(j), that this Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rule Making is adopted.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. 2011–6146 Filed 3–15–11; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 390 and 391

[Docket No. FMCSA–2008–0363]

RIN 2126–AA97

National Registry of Certified Medical Examiners

AGENCY: Federal Motor Carrier Safety Administration, Transportation.

ACTION: Request for public comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, 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. In the comments on the NPRM, a commenter inquired as to what a motor carrier had to do to verify that a medical examiner’s certificate had been issued to a commercial motor vehicle driver by a medical examiner listed on the proposed NRCME. In response to this and other comments, FMCSA is considering whether to require employers to verify that the medical examiner is listed and to place a record of such verification in the driver qualification file. This document is to inform the public that a modified ICR that includes this verification requirement under consideration is available for public comment. The other information collection requirements were made available for public comments at the same time as the NPRM. Therefore, comments will only be considered in response to this document with respect to the information collection aspects of the verification requirements under consideration by the Agency. Comments on the other information collection requirements proposed with the NPRM will not be considered.

DATES: Comments and related material must be submitted on or before May 16, 2011.

ADDRESSES: You may submit comments identified by docket number FMCSA–2008–0363 using any one of the following methods:


• Fax: 202–493–2251.

• Mail: Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

• Hand delivery: Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the “Public Participation and Request for Comments” portion of the SUPPLEMENTARY INFORMATION section
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 200053, 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:
fmcmedical@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
examinations, 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 4,600,00 CMV drivers
will respond and provide their
certificate 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

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