

a 3-month preview of the crash and OOS rates that will be effective for the issuance of HMSPs during the following 2-year registration period.

#### Carriers' Calculation of Their OOS Rates and Crash Rate

When a motor carrier submits an HMSP application through the MCS-150B process, FMCSA examines one year (12 months) of the carrier's crash and OOS data. This policy is consistent with Agency's practice of reviewing one year of motor carrier records during the conduct of a compliance review. The period examined is the 12 months

immediately preceding the date that the application is received and processed. A motor carrier must, therefore, calculate its vehicle, driver, and HM OOS rates in each of the three categories by examining the number of inspections and OOS violations during the preceding 12-month period. To determine its OOS rate, the carrier would divide the number of OOS violations by the total number of inspections for each category. The resulting figure is the motor carrier's OOS rate for the category.

The FMCSA likewise examines one year of crash data to determine a

carrier's crash rate. A motor carrier will divide the number of crashes for the previous 12-month period by the total number of power units that it operated during that period. For example, if a motor carrier had 2 crashes and 10 power units, the crash rate would be 0.20 based upon a calculation of  $(2/10 = 0.20)$ . The FMCSA does not consider a single crash to be statistically valid. Thus, crash rates will be calculated only for carriers with more than one crash in the previous 12-month period.

#### Upcoming Registration Cycles Under the HMSP Program

TABLE 2—UPCOMING REGISTRATION CYCLES

Upcoming registration years (or cycles)	OOS rates calculated and publicized for industry preview	OOS rates implemented by FMCSA Office of Enforcement and Compliance
CY 2011 & 2012 .....	FY 2010 (Oct. 1, 2009) .....	January 1, 2011 to December 31, 2012.
CY 2013 & 2014 .....	FY 2012 (Oct. 1, 2011) .....	January 1, 2013 to December 31, 2014.
CY 2015 & 2016 .....	FY 2014 (Oct. 1, 2013) .....	January 1, 2015 to December 31, 2016.

The OOS rates based on a 2-fiscal year cycle will be effective for the 2-year registration cycle as the above table illustrates, beginning the following January, and will remain in effect for the entire 2 calendar years of the registration cycle. For example, the OOS rates calculated on October 1, 2010, will be published on the FMCSA Web site for preview, become effective for purposes of HMSP review on January 1, 2011, and will remain in effect through December 31, 2012. The OOS rates will then be re-calculated and published on October 1, 2012, for the following registration cycle, and enforced starting January 1, 2013.

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Anne S. Ferro,  
Administrator.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 32

#### Hunting and Fishing

##### CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 385, in § 32.43, the entry for "Coldwater National Wildlife Refuge" is moved to precede the entry for "Dahomey National Wildlife Refuge" on page 383.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 32

#### Hunting and Fishing

##### CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 406, in § 32.45, the second entry for "Northwest Montana Wetland Management District" is removed.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 32

#### Hunting and Fishing

##### CFR Correction

In Title 50 of the Code of Federal Regulations, Parts 18 to 199, revised as of October 1, 2009, on page 326, in § 32.35, in the entry for "Marais des Cygnes National Wildlife Refuge", the heading and introductory text for paragraph A. is reinstated to read as follows:

##### § 32.35 Kansas.

\* \* \* \* \*

##### Marais des Cygnes National Wildlife Refuge

A. *Migratory Game Bird Hunting.* We allow hunting of goose, duck, coot, rail, snipe, woodcock, and mourning dove on designated

areas of the refuge in accordance with State regulations subject to the following conditions:

\* \* \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 635

[Docket No. 100729315-0331-01]

RIN 0648-BA12

#### Atlantic Highly Migratory Species; Atlantic Billfish Management, White Marlin (*Kajikia albidus*), Roundscale Spearfish (*Tetrapturus georgii*)

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

**ACTION:** Interpretive rule and Final Action.

**SUMMARY:** This document combines two actions, an interpretive rule and a final action that both affect management of Atlantic billfishes. The interpretive rule adds the recently recognized species, roundscale spearfish (*Tetrapturus georgii*), to the definition of terms in the implementing regulations of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Atlantic HMS regulations. The final action will recognize the change of the genus of