

should be permitted to continue when they were part of purchase transactions involving entire carrier operations, so long as they were effectively monitored by the Agency. See, e.g., the discussion of comments submitted by the Transportation Intermediaries Association in the URS Final Rule, published elsewhere in today's **Federal Register**.

It is important to note, however, that the concept of motor carrier operating authority registration as an asset of commercial value has lost much of its relevance under today's regulatory structure, where operating authority is defined by comprehensive service options (e.g., without common and contract carrier service distinctions), unrestricted routes, and nationwide territorial scope. See, e.g., 49 U.S.C. 13102(14), as amended (no longer reflecting contract and common carrier operating authority designations in definition of "motor carrier"); Elimination of Route Designation Requirement for Motor Carriers Transporting Passengers Over Regular Routes, 74 FR 2895 (January 16, 2009).

Taking account of these industry and operating authority realities, the repeal of the express transfer approval authority of former 49 U.S.C. 10926, and the nature of the Agency's residual authority to consider transfers, FMCSA is discontinuing the transfer review and approval process. While the Agency will no longer accept or review requests to approve transfers of operating authority, we believe it is in the public interest and a necessary feature of our commercial and safety oversight roles to record information about the resulting ownership and control consequences when non-exempt for-hire motor carriers, brokers, or freight forwarders registered under 49 U.S.C. chapter 139 merge, transfer, or lease their operating rights. Accordingly, we have revised the processes for recording operating authority transfers to ensure that, although formal Agency review and approval is no longer involved, FMCSA's information systems continue to reflect complete and accurate information concerning operating authority registration and enable the Agency to identify parties responsible for the business operations.

For the reasons amplified above, effective October 22, 2013, the Agency will no longer process applications for transfer of operating authority, issue transfer approvals, or require the \$300 fee formerly associated with such applications. Under the new transfer recordation process, both transferors and transferees will be asked to provide basic identifying information

concerning their business operations, ownership, and control, e.g., name, business form, business address, and name(s) of owner(s) and officers. No application form is required, and no transfer fee applies. After the information is entered in FMCSA's information systems, parties to transfer transactions will receive Agency notification of recordation of the resulting operating authority ownership.

Although ICCTA removed the Agency's express authority under former 49 U.S.C. 10926 to approve operating authority transfers, it did not eliminate the inherent authority to oversee transfers nor prohibit FMCSA from recording or monitoring the ownership or commercial and operational safety consequences of the transfer transaction. Indeed, FMCSA's statutory authority permits it to obtain information from motor carriers, brokers, and freight forwarders, and from the employees of such entities, that the Agency deems necessary and relevant to ensure operational safety and commercial integrity.

Legal authority for the Agency to record and track transfers of operating authority in this manner can be found at 49 U.S.C. 13301 and 31133. Under 49 U.S.C. 13301(b), the Agency is delegated broad authority to obtain information regarding carriers, brokers, and forwarders necessary to carry out its commercial regulatory responsibilities, as enumerated in title 49, subtitle IV, part B. In addition, 49 U.S.C. 31133(a)(8) authorizes the Secretary to prescribe recordkeeping and reporting requirements for motor carriers and other entities subject to the Agency's safety oversight.

Information provided under the transfer recordation process will ensure that the Agency's information technology systems are up to date and that the safety history associated with a regulated entity's operating authority and its corresponding USDOT Number remains connected with that operating authority, regardless of any changes in ownership or control.

Issued on: August 15, 2013.

Anne S. Ferro,

Administrator.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563-3148-02]

RIN 0648-XC816

Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for arrowtooth flounder in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2013 arrowtooth flounder initial total allowable catch (ITAC) in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), August 21, 2013, through 2400 hrs, A.l.t., December 31, 2013.

FOR FURTHER INFORMATION CONTACT:

Steve Whitney, 907-586-7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (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.

The 2013 arrowtooth flounder ITAC in the BSAI is 21,250 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013). In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2013 arrowtooth flounder ITAC in the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 16,250 mt, and is setting aside the remaining 5,000 mt as incidental catch. 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 arrowtooth flounder in the BSAI.

After the effective date of this closure 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 closure of arrowtooth flounder to directed fishing in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 19, 2013.

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: August 20, 2013.

James P. Burgess,

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

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