

2. What are the specific, quantifiable costs and benefits associated with requiring certified DBEs to submit additional documents with the annual no change affidavit from the perspective of a certifying entity and a certified DBE;

3. What are the specific, quantifiable costs and benefits associated with requiring good faith efforts documentation when bids are due and requiring additional documents (i.e., DBE and non-DBE quotes, DBE subcontracts) from the perspective of a prime contractor, a DBE, and the recipient letting the contract.

Any person wishing to participate in the listening session should notify DOT by telephone or by email, at the addresses provided in the Attendance section of this notice at least five business days prior to the date of the listening session (October 2, 2013). The notification should identify the party the person represents, and the particular subject(s) described above the person plans to address. The notification should also provide the participant's contact information. Please put "NPRM Listening Session" in the subject line of the email notification.

At the listening session, a DOT representative will make an opening statement outlining the procedures for the session. Speakers' remarks will be limited to 5 minutes each, although the Department may need to limit the duration of presentations, if necessary, to provide all participants the opportunity to speak. If sufficient time exists after all initial statements by those wishing to speak have been completed, the Department may allow those persons wishing to make a brief rebuttal to do so in the same order in which the initial statements were made. If necessary, the Department may provide additional instructions and modify speaking limits at the time of the listening session. A transcript of the discussions will be made a part of the public docket in this rulemaking.

Extension of Comment Period

To accommodate the public listening session and to provide interested parties the opportunity to submit comments in response to views or information provided at the public listening session, the Department is reopening the comment period for this rulemaking from September 18, 2013 to October 30, 2013. You may submit comments (identified by the agency name and DOT Docket ID Number OST-2012-0147) by any of the following methods:

- *Federal Rulemaking Portal*: Go to www.regulations.gov and follow the

online instructions for submitting comments.

- *Mail*: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. Materials may also be submitted directly to DOT staff at the public listening session.

- *Hand Delivery or Courier*: West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

- *Fax*: 202-493-2251.

Issued this 9th day of September, 2013 at Washington, DC, under authority delegated in 49 CFR 1.27.

Kathryn B. Thomson,
Acting General Counsel.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648-BD05

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 27

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

ACTION: Notice of availability; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) has submitted Amendment 27 (Amendment 27) to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP) for review, approval, and implementation by NMFS. Amendment 27 would extend the South Atlantic Council's jurisdiction for management of Nassau grouper into the Gulf of Mexico (Gulf) exclusive economic zone (EEZ); increase the number of allowable crew members to four on dual-permitted snapper-grouper vessels (*i.e.*, vessels holding a South Atlantic Charter Vessel/Headboat Permit for Snapper-Grouper and a commercial South Atlantic Unlimited or a 225-Pound Trip Limit Snapper-Grouper Permit) that are fishing commercially; remove the prohibition on retaining any fish under the aggregate bag limit for grouper and tilefish or the vermilion snapper bag limit by captain and crew

of federally-permitted for-hire vessels; modify the snapper-grouper framework procedures to allow acceptable biological catch levels (ABCs), annual catch limits (ACLs), and annual catch targets (ACTs) to be adjusted via an abbreviated framework process; and remove blue runner from the FMP.

DATES: Written comments must be received on or before November 18, 2013.

ADDRESSES: You may submit comments on the amendment identified by "NOAA-NMFS-2013-0085" by any of the following methods:

- *Electronic submissions*: Submit electronic comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Go to www.regulations.gov#!docketDetail;D=NOAA-NMFS-2013-0085, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments.

- *Mail*: Kate Michie, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

Electronic copies of Amendment 27 may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov>. Amendment 27 includes a Regulatory Impact Review and a Fishery Impact Statement.

FOR FURTHER INFORMATION CONTACT: Kate Michie, telephone: 727-824-5305, or email: Kate.Michie@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any fishery management plan or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register**

notifying the public that the plan or amendment is available for review and comment.

Actions Contained in Amendment 27

Extension of Management Authority for Nassau Grouper to the South Atlantic Council

Amendment 27 includes an action to extend the South Atlantic Council's jurisdiction for management of Nassau grouper into the Gulf. On December 16, 2011, NMFS published a notice of agency action (76 FR 78245) designating the South Atlantic Council as the responsible Council to manage Nassau grouper in the Gulf, pursuant to requests by the South Atlantic and Gulf Fishery Management Councils. Therefore, through Amendment 27, the South Atlantic Council would assume management responsibility for Nassau grouper in Federal waters of the Gulf. The current restrictions on the harvest or possession of Nassau grouper in the Gulf EEZ and South Atlantic EEZ would continue if Amendment 27 is approved for implementation.

Increase in Crew Member Limit for Dual-Permitted Vessels

Currently, there is a crew size limit of three for vessels with both a South Atlantic Charter Vessel/Headboat Permit for Snapper-Grouper and a South Atlantic Unlimited or 225-Pound Permit for Snapper-Grouper (referred to as "dual-permitted" vessels) that are fishing commercially. For commercial spearfishing operations, this crew size limit prevents fishermen from diving in pairs using the buddy system while having a standby diver and captain at the surface as recommended by the U.S. Coast Guard diving operations manual. Therefore, Amendment 27 would increase the crew size from three to four, which would allow two persons to remain on the vessel while there are two divers in the water.

Removal of Captain and Crew Bag Limit Retention Restrictions for Snapper-Grouper Species

Amendment 16 to the FMP (Amendment 16) prohibited the captain and crew of vessels operating as a charter vessel or headboat (*i.e.*, vessels with a valid South Atlantic Charter Vessel/Headboat Permit for Snapper-Grouper) from retaining gag, black grouper, red grouper, scamp, red hind, rock hind, coney, graysby, yellowfin grouper, yellowmouth grouper, yellowedge grouper, snowy grouper, misty grouper, vermilion snapper, sand tilefish, blueline tilefish, and golden tilefish to help end overfishing of gag

and vermilion snapper. Subsequent to the implementation of Amendment 16, ACLs and AMs for all of these species have been established to end and/or prevent overfishing from occurring.

Analysis contained in Amendment 27 indicates allowing captain and crew to retain bag limit quantities of the species listed above would not negatively impact snapper-grouper stocks, including vermilion snapper and gag. Therefore, Amendment 27 would remove the current restriction for captain and crew on a vessel operating as a charter vessel or headboat to retain the bag limits of these snapper-grouper species.

Modify the Framework Procedures in the FMP

Currently, the Framework Procedures in the FMP allow ABCs, ACLs, and ACTs to be modified for snapper-grouper species via the regulatory amendment process, which can be lengthy. The lag time between when new scientific information becomes available and when catch levels can be adjusted has the potential to result in adverse impacts on the economic and biological environments of the snapper-grouper fishery. Therefore, Amendment 27 would allow ABCs, ACLs, and ACTs, to be modified using an abbreviated framework procedure, whereby after the South Atlantic Council has taken final action to change an ABC, ACL, or ACT, the Council would submit a letter with supporting data and information to the NMFS Southeast Regional Administrator (RA) requesting the desired changes to those applicable harvest parameters.

The RA would determine whether or not the requested modification may be warranted. If the modification may be warranted, NMFS would develop the appropriate documentation and analysis to comply with the National Environmental Policy Act and other applicable laws and propose the action through rulemaking. NMFS anticipates this expedited process will shorten the time it would take to make routine changes to harvest limits in response to new information.

Remove Blue Runner From the FMP

Blue runner was originally included in the FMP because it was thought to co-occur with other, more economically desirable species. Amendment 27 reevaluated the need for Federal management of blue runner based on updated information. The majority (99 percent) of commercial and recreational blue runner harvest occurs off the state of Florida (in Federal and state waters combined), with 76 percent of blue

runner landings harvested in state waters (using landings data from 2005–2011) and a large portion of the recreational landings harvested from shore. Florida manages blue runner in state waters and blue runner is primarily used as bait, is not commonly retained for human consumption, and is exempt from any Federal bag and possession limit restrictions.

Based on this new information, the South Atlantic Council determined blue runner could be removed from the FMP without jeopardizing the health or sustainability of the stock. Therefore, Amendment 27, if approved, would remove blue runner from the FMP.

The Council has submitted Amendment 27 for Secretarial review, approval, and implementation. NMFS' decision to approve, partially approve, or disapprove Amendment 27 will be based, in part, on consideration of comments, recommendations, and information received during the comment period on this notice of availability. After consideration of these factors, and consistent with the Magnuson-Stevens Act and other applicable law, NMFS will publish a notice of agency action in the **Federal Register** announcing the Agency's decision to approve, partially approve, or disapprove Amendment 27.

Proposed Rule for Amendment 27

A proposed rule that would implement Amendment 27 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

Comments received by November 18, 2013, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: September 13, 2013.

Kelly Denit,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648-BD21

Fisheries of the Caribbean, Gulf of Mexico and South Atlantic; Revisions to Headboat Reporting Requirements for Species Managed by the South Atlantic Fishery Management Council

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

ACTION: Notice of availability; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (South Atlantic Council) approved the Joint South Atlantic/Gulf of Mexico Generic Charter/Headboat Reporting in the South Atlantic Amendment (For-Hire Reporting Amendment) during its March 2013 meeting, and the Gulf of Mexico Fishery Management Council (Gulf Council) approved the amendment at its February 2013 meeting. The Councils submitted the amendment to NMFS for agency review under procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The For-Hire Reporting Amendment includes Amendment 31 to the Fishery Management Plan (FMP) for the Snapper-Grouper Fishery of the South Atlantic Region; Amendment 6 to the FMP for the Dolphin and Wahoo Fishery of the Atlantic; and Amendment 22 to the FMP for the Coastal Migratory Pelagic Resources in the Atlantic and the Gulf of Mexico. If approved, the For-Hire Reporting Amendment would amend the FMPs to modify data reporting for for-hire vessels in the South Atlantic. Under the preferred alternative, headboat vessels in the South Atlantic would be required to submit electronic fishing records to the NMFS' Southeast Fisheries Science Center (SEFSC) Science and Research Director (SRD) weekly, or at intervals shorter than a week if notified by the SRD.

DATES: Written comments must be received on or before November 18, 2013.

ADDRESSES: You may submit comments, identified by "NOAA-NMFS-2013-0080", by any one of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal e-Rulemaking Portal: <http://www.regulations.gov>. Go to www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0080, click the "Comment Now!" icon, complete the required fields, and enter or attach your comments. Mail: Submit written comments to Karla Gore, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. 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, or Adobe PDF file formats only.

Electronic copies of the For-Hire Reporting Amendment may be obtained from the Southeast Regional Office Web site at <http://sero.nmfs.noaa.gov/sf/SASnapperGrouperHomepage.htm>. The For-Hire Reporting Amendment includes a draft environmental assessment, a Regulatory Flexibility Act analysis, a Regulatory Impact Review, and a Fishery Impact Statement.

FOR FURTHER INFORMATION CONTACT: Karla Gore, telephone: 727-824-5305; email: Karla.Gore@noaa.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Act requires each regional fishery management council to submit any fishery management plan or amendment to NMFS for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, publish an announcement in the **Federal Register** notifying the public that the plan or amendment is available for review and comment.

Background

At its September 2012 meeting, the South Atlantic Council expressed concern on the inability to receive estimates of headboat catches in a timely manner. Delays in receiving and processing headboat data could contribute to the recreational annual catch limit (ACL) being exceeded. The South Atlantic Council concluded that improving data reporting could reduce the chance that the recreational ACLs are exceeded and accountability measures are triggered.

The preferred alternative in this amendment, which would require headboats in the South Atlantic to report through electronic means on a weekly basis, would improve NMFS' ability to produce in-season harvest estimates for all species in the subject FMPs.

The South Atlantic Council has submitted the For-Hire Reporting Amendment to NMFS for agency review under procedures of the Magnuson-Stevens Act. The South Atlantic Council approved the amendment during its March 2013 meeting. The Gulf Council approved the amendment at its February 2013 meeting. Gulf Council approval was necessary because the South Atlantic and Gulf Councils jointly manage the Coastal Migratory Pelagics species under the Coastal Migratory Pelagics FMP.

Management Measures Contained in This Amendment

This amendment would require electronic reporting for headboat vessels in the South Atlantic snapper-grouper, Atlantic dolphin and wahoo, and South Atlantic coastal migratory pelagic fisheries, increase the reporting frequency for those headboat vessels, and prohibit those headboats from continuing to fish if they are delinquent in submitting their reports.

Mandatory Electronic Reporting for Headboat Vessels

Currently, headboats selected to report by the SRD must maintain a fishing record for each trip, or a portion of such trips, as specified by the SRD, and on forms provided by the SRD. Until January 1, 2013, the SRD provided federally-permitted headboats with paper forms to submit their logbook data. However, as of January 1, 2013, the SRD has requested that federally-permitted headboats in the South Atlantic report electronically. The For-Hire Reporting Amendment would explicitly require that headboat vessels submit fishing records through an electronic reporting system developed