

at § 433.50 through § 433.74 of this chapter.

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(Catalog of Federal Domestic Assistance Program No. 93.778, Medical Assistance Program)

Dated: April 17, 2008.

**Kerry Weems,**

*Acting Administrator, Centers for Medicare & Medicaid Services.*

Approved: May 21, 2008.

**Michael O. Leavitt,**

*Secretary.*

**Editorial Note:** This document was received in the Office of the Federal Register on Wednesday, December 10, 2008.

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## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### 49 CFR Parts 1520 and 1580

[Docket No. TSA-2006-26514; Amendment nos. 1520-6, 1580-1]

RIN 1652-AA51

#### Rail Transportation Security

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Transportation Security Administration (TSA) extends the December 26, 2008 effective date of one section of the final rule entitled "Rail Transportation Security," published in the **Federal Register** on November 26, 2008, 73 FR 72131, until April 1, 2009. This extension of the effective date is to afford affected freight railroad carriers, rail hazardous materials shippers, and rail hazardous materials receivers additional time to conduct training and implement procedures to come into compliance with the chain of custody and control requirements of the rule.

**DATES:** The effective date of 49 CFR 1580.107 of the final rule published in the **Federal Register** on November 26, 2008, at 73 FR 72131 is delayed until April 1, 2009. The effective date of the amendment to 49 CFR part 1520 and the effective date of all other sections of 49 CFR part 1580 remains December 26, 2008.

**FOR FURTHER INFORMATION CONTACT:** For questions related to freight rail security: Scott Gorton, Transportation Sector Network Management, Freight Rail Security, TSA-28, Transportation Security Administration, 601 South

12th Street, Arlington, VA 20598-6028; telephone (571) 227-1251; facsimile (571) 227-1923; e-mail [freightrailsecurity@dhs.gov](mailto:freightrailsecurity@dhs.gov).

For questions related to passenger rail security: Morvarid Zolghadr, Mass Transit and Passenger Rail Security, TSA-28, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6028; telephone (571) 227-2957; e-mail [passengerrailcomments@dhs.gov](mailto:passengerrailcomments@dhs.gov).

For questions related to SSI: Andrew E. Colsky, Office of the Special Counselor, SSI Office, TSA-31, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6031; telephone (571) 227-3513; facsimile (571) 227-2945; e-mail [SSI@dhs.gov](mailto:SSI@dhs.gov).

**SUPPLEMENTARY INFORMATION:** On November 26, 2008, TSA issued its Rail Transportation Security rule. 73 FR 72130. The effective date to comply with all provisions of the final rule was December 26, 2008.

The final rule on rail transportation security included a section to require a secure chain of physical custody for rail cars containing one or more rail security-sensitive materials. See 49 CFR 1580.107. On December 11, 2008, the Association of American Railroads and its member freight railroads requested that TSA delay the effective date of this provision. They presented information indicating that the initial 30-day period for compliance did not afford sufficient time for railroad carriers to implement procedures and train their workforce to meet the new regulatory requirement.

TSA recognizes that the affected regulated parties would have significant difficulty in complying with the chain of custody and control requirements in the time specified, and has decided to extend the effective date for compliance with 49 CFR 1580.107 to April 1, 2009.

Issued in Arlington, Virginia, on December 15, 2008.

**John Sammon,**

*Assistant Administrator.*

[FR Doc. E8-30156 Filed 12-18-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[Docket No. 080407531-8840-02]

RIN 0648-AW68

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan

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

**ACTION:** Final rule.

**SUMMARY:** The National Marine Fisheries Service (NMFS) issues this final rule amending the Bottlenose Dolphin Take Reduction Plan's (BDTRP) implementing regulations by extending, for an additional three years, fishing restrictions expiring on May 26, 2009. This action continues, without modification, current nighttime fishing restrictions of medium mesh gillnets operating in the North Carolina portion of the Winter-Mixed Management Unit during the winter. Medium mesh fishing restrictions are extended for an additional three years to ensure continued conservation of the Western North Atlantic coastal bottlenose dolphin stock, should a directed spiny dogfish fishery reemerge in North Carolina.

**DATES:** This final rule is effective January 20, 2009.

**ADDRESSES:** Copies of the proposed rule to amend the BDTRP, the final BDTRP, Environmental Assessment, BDTRT meeting summaries, and background documents can be downloaded from the Take Reduction Plan web site at: <http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Stacey Carlson, NMFS, Southeast Region, 727-824-5312, [Stacey.Carlson@noaa.gov](mailto:Stacey.Carlson@noaa.gov); or Melissa Andersen, NMFS, Protected Resources, 301-713-2322, [Melissa.Andersen@noaa.gov](mailto:Melissa.Andersen@noaa.gov).

Individuals who use telecommunications devices for the deaf (TDD) may call the Federal Information Relay Service at 1-800-877-8339 between 8 a.m. and 4 p.m. eastern time, Monday through Friday, excluding Federal holidays.

**SUPPLEMENTARY INFORMATION:**