

may propose a *de minimis* expansion of its full-service pre-transition analog service area upon demonstrating that the expansion is necessary to replace its analog loss area. The license for the replacement digital television translator will be associated with the full power station's main license, will be assigned the same call sign, may not be separately assigned or transferred, and will be renewed with the full-service station's main license.

(ii) Each original construction permit for the construction of a replacement digital television translator station shall specify a period of three years from the date of issuance of the original construction permit within which construction shall be completed and application for license filed. The provisions of § 74.788(c) of this chapter shall apply for stations seeking additional time to complete construction of their replacement digital television translator station.

(iii) A public notice will specify the date upon which interested parties may begin to file applications for replacement digital television translators. Such applications shall be filed on FCC Form 346, shall be treated as an application for minor change and shall be accepted on a first-come, first-served basis. Mutually exclusive applications shall be resolved via the Commission's part 1 and broadcast competitive bidding rules, § 1.2100 *et seq.* and § 73.5000 *et seq.* of this chapter.

(iv) The following sections are applicable to replacement digital television translator stations:

- § 73.1030 Notifications concerning interference to radio astronomy, research and receiving installations.
- § 74.703 Interference.
- § 74.709 Land mobile station protection.
- § 74.734 Attended and unattended operation.
- § 74.735 Power Limitations.
- § 74.751 Modification of transmission systems.
- § 74.763 Time of Operation.
- § 74.765 Posting of station and operator licenses.
- § 74.769 Copies of rules.
- § 74.780 Broadcast regulations applicable to translators, low power, and booster stations (except § 73.653—Operation of TV aural and visual transmitters and § 73.1201—Station identification).
- § 74.781 Station records.
- § 74.784 Rebroadcasts.
- \* \* \*

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## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### 49 CFR Part 1580

[Docket No. TSA-2006-26514; Amendment Nos. 1520-7, 1580-2]

RIN 1652-AA51

#### Rail Transportation Security

**AGENCY:** Transportation Security Administration (TSA), DHS.

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** This action contains minor technical corrections to the Rail Transportation Security final rule, which was published on November 26, 2008. That document incorrectly referenced certain paragraphs in various sections of 49 CFR part 1580 and included an incorrect telephone number for reporting significant security concerns to TSA. This document corrects the final regulations by revising these paragraph citations and providing the appropriate telephone number.

**DATES:** This correction is effective on May 20, 2009.

**FOR FURTHER INFORMATION CONTACT:** David H. Kasminoff, Office of Chief Counsel, TSA-2, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6002; telephone (571) 227-3583; facsimile (571) 227-1378; e-mail [david.kasminoff@dhs.gov](mailto:david.kasminoff@dhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On November 26, 2008 (73 FR 72131), TSA issued a final rule to enhance the security of our Nation's rail transportation system. This rule established security requirements for freight railroad carriers; intercity, commuter, and short-haul passenger train service providers; rail transit systems; and rail operations at certain, fixed-site facilities that ship or receive specified hazardous materials by rail. As published, the regulatory text in the final rule contains several incorrect references to other provisions in the rule. First, the rule as published, in stating that §§ 1580.100, 1580.101, and 1580.105 apply to a freight railroad carrier hosting a passenger operation described in § 1580.1, incorrectly cites to nonexistent paragraph (d) in § 1580.1, instead of paragraph (a)(4). Second, § 1580.103(g), which requires each person described in paragraph (a) of that section to provide a telephone number for TSA to use to request location and

shipping information, incorrectly refers to information required in paragraph (a)(4) of § 1580.103 instead of paragraph (c). Third, § 1580.103(g)(2), in stating that a covered person may not provide a telephone number that requires a call back (such as an answering service, answering machine, or beeper device) to meet the requirements of § 1580.103, incorrectly refers to paragraph (f) of that section instead of paragraph (g). Fourth, § 1580.107(a), in referencing the paragraph that contains an exception to the requirements imposed upon a rail hazardous materials shipper transferring to a rail car containing rail security-sensitive materials to a railroad carrier, incorrectly refers to paragraph (e) of § 1580.107 instead of paragraph (g). This final rule correction replaces the incorrect citations with the correct ones.

Finally, the telephone numbers provided in §§ 1580.105(b) and 1580.203(b) of the final rule for reporting significant security concerns to DHS have been changed. The new telephone number at the TSA Freedom Center designated to receive reports of significant security concerns is 1-866-615-5150. This final rule correction inserts the correct telephone number in the rule text.

#### List of Subjects in 49 CFR Part 1580

Hazardous materials transportation, Mass transportation, Rail hazardous materials receivers, Rail hazardous materials shippers, Rail transit systems, Railroad carriers, Railroad safety, Railroads, Reporting and recordkeeping requirements, Security measures.

#### II. Corrections to the Rule

■ Accordingly, 49 CFR part 1580 is corrected by making the following correcting amendments:

#### PART 1580—RAIL TRANSPORTATION SECURITY

■ 1. The authority citation for part 1580 continues to read as follows:

**Authority:** 49 U.S.C. 114.

■ 2. In § 1580.100, paragraph (a)(4) is correctly revised to read as follows:

##### § 1580.100 Applicability.

(a) \* \* \*

(4) Each freight railroad carrier hosting a passenger operation described in § 1580.1(a)(4) of this part.

\* \* \*

■ 3. In § 1580.101, paragraph (a)(4) is correctly revised to read as follows:

##### § 1580.101 Rail security coordinator.

(a) \* \* \*

(4) Each freight railroad carrier hosting the passenger operations described in § 1580.1(a)(4) of this part.

■ 4. In § 1580.103, paragraphs (g) introductory text and (g)(2) are correctly revised to read as follows:

**§ 1580.103 Location and shipping information for certain rail cars.**

(g) *Telephone number.* Each person described in paragraph (a) of this section must provide a telephone number for use by TSA to request the information required in paragraph (c) of this section.

(2) A telephone number that requires a call back (such as an answering service, answering machine, or beeper device) does not meet the requirements of this paragraph.

■ 5. In § 1580.105, paragraphs (a)(4) and (b) are correctly revised to read as follows:

**§ 1580.105 Reporting significant security concerns.**

(a) \* \* \*

(4) Each freight railroad carrier hosting a passenger operation described in § 1580.1(a)(4) of this part.

(b) Each person described in paragraph (a) of this section must immediately report potential threats and significant security concerns to DHS by telephoning the Freedom Center at 1-866-615-5150.

■ 6. In § 1580.107, paragraph (a) introductory text is correctly revised to read as follows:

**§ 1580.107 Chain of custody and control requirements.**

(a) *Within or outside of an HTUA, rail hazardous materials shipper transferring to carrier.* Except as provided in paragraph (g) of this section, at each location within or outside of an HTUA, a rail hazardous materials shipper transferring custody of a rail car containing one or more of the categories and quantities of rail security-sensitive materials to a freight railroad carrier must:

■ 7. In § 1580.103, paragraph (b) is correctly revised to read as follows:

**§ 1580.203 Reporting significant security concerns.**

(b) Each person described in paragraph (a) of this section must immediately report potential threats and significant security concerns to DHS by telephoning the Freedom Center at 1-866-615-5150.

Issued in Arlington, Virginia, on May 13, 2009.

**Gale D. Rossides,**

*Acting Administrator.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

**[Docket No. 0810141351-9087-02]**

**RIN 0648-XP29**

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear 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 Pacific cod by American Fisheries Act (AFA) trawl catcher processors in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary as the 2009 Pacific cod directed fishing allowance for AFA trawl catcher processors in the BSAI has been reached.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), June 10, 2009, through 2400 hrs, A.l.t., December 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Patty Britza, 907-586-7376.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 2009 Pacific cod total allowable catch (TAC) allocated to AFA trawl catcher processors in the BSAI is 3,626 metric tons (mt) as established by the final 2009 and 2010 harvest specifications for groundfish in the BSAI (74 FR 7359, February 17, 2009).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2009 Pacific cod TAC allocated to AFA catcher processors in the BSAI will be taken as incidental catch in directed fisheries for other groundfish fisheries. Therefore, the Regional Administrator is establishing a directed fishing allowance of 0 mt and in accordance with § 679.20(d)(1)(iii), finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by AFA trawl catcher processors 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 Pacific cod by AFA trawl catcher processors 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 May 12, 2009.

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.*