

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: September 29, 2008.

**Michael K. Buckley,**

*Acting Assistant Administrator, Mitigation Directorate, Department of Homeland Security, Federal Emergency Management Agency.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 52 and 64

[CG Docket No. 03-123 and WC Docket No. 05-196; DA 08-2130]

#### Consumer and Governmental Affairs Bureau Modifies Cost Submission Timeframes Associated With Implementation of the Numbering System for Internet-Based Telecommunications Relay Services (TRS)

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In this document, the Consumer and Governmental Affairs Bureau (Bureau) modifies the filing timeframes in which Video Relay Service (VRS) and Internet Protocol (IP) Relay providers requesting compensation from the Interstate TRS Fund (Fund) must submit their initial filing for costs associated with implementation of the numbering system for Internet-based TRS.

**DATES:** Initial filing deadline is January 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Thomas Chandler, Consumer and Governmental Affairs Bureau, Disability Rights Office at (202) 418-1475 (voice), (202) 418-0597 (TTY), or e-mail at [Thomas.Chandler@fcc.gov](mailto:Thomas.Chandler@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Bureau's document DA 08-2130, released September 22, 2008 in CG Docket No. 03-123 and WC Docket No. 05-196. The full text of document DA 08-2130 will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. Document DA 08-2130 and copies of subsequently filed documents in this matter may also be purchased from the Commission's duplicating contractor at Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. Customers may contact the

Commission's duplicating contractor at its Web site, <http://www.bcpweb.com>, or by calling 1-800-378-3160. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Document DA 08-2130 also can be downloaded in Word or Portable Document Format (PDF) at: <http://www.fcc.gov/cgb/dro/trs.html#orders>.

#### Synopsis

On June 24, 2008, the Commission released *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591 (*Numbering Order*), published at 73 FR 41286, July 18, 2008 and 73 FR 41307, July 18, 2008. In document DA 08-2130, the Bureau modifies the filing timeframes in which VRS and IP Relay providers requesting compensation from the Fund must submit their initial filing for costs associated with implementing the requirements of the June 24, 2008 *Numbering Order*. Specifically, VRS and IP Relay providers must submit their initial filings by January 30, 2009, for the period of June 24, 2008 through December 31, 2008. Further, VRS and IP Relay providers subsequently must submit costs 30 days after the end of each calendar quarter for costs incurred during the preceding quarter.

In the *Numbering Order*, the Commission adopted a system for assigning users of Internet-based TRS, specifically VRS and IP Relay, ten-digit telephone numbers linked to the North American Numbering Plan. In so doing, the Commission also determined that VRS and IP Relay providers could be compensated for their costs of implementing the mandates of the *Numbering Order*. The Commission noted that although VRS and IP Relay providers presently are compensated based on a per-minute rate calculated pursuant to the Commission's rules, the providers' additional costs necessary to implement the numbering and emergency call handling requirements have not been factored into the present compensation rates. The Commission therefore concluded that it would "compensate these costs separately from the other costs presently encompassed by the per-minute compensation rates." The Commission directed that VRS and IP Relay providers seeking

compensation for their actual reasonable costs of complying with the new requirements in the *Numbering Order* submit to the Fund administrator (currently, the National Exchange Carrier Association) reasonably detailed explanations of those costs. The Commission further directed that those costs be submitted to the Fund administrator every three months, beginning three months after the release date of the *Numbering Order*, for the costs actually incurred during the prior three-month period. By these terms of the *Numbering Order*, which was released on June 24, 2008, the initial submission of those costs would be due September 24, 2008.

In order to allow sufficient time for providers to prepare their filings upon the close of the cost reporting period, the Bureau recognizes that it is appropriate to afford providers additional time to report their costs. Accordingly, and in order to ensure that providers' filings include costs that are incurred up to and including the final date of the reporting period, the Bureau modifies the reporting timeframes to allow providers an additional 30 days to file their costs after the end of a reporting period. In addition, for administrative convenience, the Bureau conforms the three-month reporting periods to calendar quarters. Finally, because these cost submissions constitute new information collections subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13, this requirement cannot go into effect until the Office of Management and Budget approves the collections under the PRA and the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date(s). In order to afford time for the Commission to receive and publish PRA approval to be received and announced, the Bureau extends the initial filing deadline until January 30, 2009. In other words, the first cost submissions to the Fund administrator must be filed by January 30, 2009, and will cover the period from the release date of the *Numbering Order*, June 24, 2008, through December 31, 2008. Subsequent reports will be due 30 days after the close of each calendar quarter.

To illustrate, the first few subsequent reporting periods and filing due dates will be as follows:

January 1, 2009, through March 31, 2009: Cost submission due April 30, 2009.  
 April 1, 2009, through June 30, 2009: Cost submission due July 30, 2009.  
 July 1, 2009, through September 30, 2009: Cost submission due October 30, 2009.

October 1, 2009, through December 31, 2009; Cost submission due January 30, 2010.

Federal Communications Commission.

**Nicole McGinnis,**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 224

[Docket No. 040506143-7024-03]

RIN 0648-AS36

#### Endangered Fish and Wildlife; Final Rule To Implement Speed Restrictions to Reduce the Threat of Ship Collisions With North Atlantic Right Whales

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

**ACTION:** Final rule.

**SUMMARY:** NMFS establishes regulations to implement speed restrictions of no more than 10 knots applying to all vessels 65 ft (19.8 m) or greater in overall length in certain locations and at certain times of the year along the east coast of the U.S. Atlantic seaboard. The purpose of the regulations is to reduce the likelihood of deaths and serious injuries to endangered North Atlantic right whales that result from collisions with ships.

**DATES:** This final rule is effective December 9, 2008 through December 9, 2013.

**ADDRESSES:** Copies of this rule and Regulatory Impact Review, Final Environmental Impact Statement, Economic Analysis and Record of Decision related to this final rule can be obtained from the Web site listed under the electronic access portion of this document. Written requests for copies of these documents should be addressed to: Chief, Marine Mammal Conservation Division, Attn: Right Whale Ship Strike Reduction Rule, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to NMFS, Office of Protected Resources.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Silber, PhD, or Shannon Bettridge, PhD, Fishery Biologists, Office of Protected Resources, NMFS, at (301) 713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Several background documents related to this final rule, including the Regulatory Impact Review, Final Environmental Impact Statement, Economic Analysis and Record of Decision can be downloaded from <http://www/nmfs.noaa.gov/shipstrike>.

##### Background

The Western North Atlantic right whale (*Eubalaena glacialis*) was severely depleted by commercial whaling. The only remaining population off North America was reduced to a few hundred whales or less by the early 1900s. Despite protection from commercial whaling since 1935, the remaining population has failed to fully recover. The best current estimate of minimum population size is 313 whales (Waring *et al.*, 2007), which is approximately the same as it was 25 years ago (Best *et al.*, 2001). At this level, with the exception of North Pacific right whales, North Atlantic right whales are the world's most critically endangered large whale species and one of the world's most endangered mammals.

Population models suggest that their abundance may have increased at about 2 percent per year during the 1980s, but that it declined at about the same rate in the 1990s (Caswell *et al.*, 1999). Data on the minimum number of whales alive during 1995-2002 indicate a slight increase in the number of catalogued whales during the period, but with statistically significant inter-annual variation in numbers due to declines in the minimum number of animals found alive during 1998-1999 (Waring *et al.*, 2007). Such population trends are very low compared to trends for populations of other large whales that are recovering, such as south Atlantic right whales and western Arctic bowhead whales, which have been recovering steadily at rates of 4 percent or more per year. Inherently low rates of reproduction in large whale populations mean that recovery rates for large whale populations can be low under the best of circumstances. North Atlantic right whales may live 60 years or more. The age of first reproduction for female North Atlantic right whales is about 7 to 10 years old and calving intervals for the population have been estimated to average from about 3.5 to more than 5 years over the past three decades (Kraus *et al.*, 2001; Kraus *et al.*,

2007). Considering the high rates of natural mortality for calves and juveniles compared to adults, population projections estimate that female right whales must produce at least four calves over their lifetime to replace themselves. To ensure population growth, adult females would need to produce more than four calves over their lifetime, because half of the calves born are male, and the survival of female calves to adulthood is less than 0.5 (Kraus *et al.*, 2001).

Between the mid 1980s and late 1990s, documented calf production for the North Atlantic right whale population averaged about 11 calves per year (Kraus *et al.*, 2001). Since 2000, a series of good calving years has provided a source of optimism for future recovery. Between 2000/01 and 2005/06, calf production increased to an average of more than 22 calves per year and the average calving interval for adult females has declined to close to its lowest recorded level (Kraus *et al.*, 2007). However, the mean number of cows recruited into the population was 3.8 per year (Kraus *et al.*, 2001).

Because of the species' low reproduction level and small population size, even low levels of human-caused mortality can pose a significant obstacle for North Atlantic right whale recovery. Population modeling studies in the late 1990s (Caswell *et al.*, 1999; Fujiwara and Caswell, 2001) indicated that preventing the death of two adult females per year could be sufficient to reverse the slow decline detected in right whale population trends in the 1990s. In this regard, the primary cause of the species' failure to recover is believed to be mortality caused by collisions with ships and entanglement in commercial fishing gear (Kraus, 1990; Knowlton and Kraus, 2001; Moore *et al.*, 2005; NMFS, 2005; MMC, 2006). Since 1970, there have been more than 73 confirmed right whale deaths, nearly half of which (49 percent) have been attributed to ship collisions (29 deaths) or entanglements (7 deaths). NOAA believes the actual number of deaths is almost certainly higher than those documented as some deaths likely go undetected or unreported, and in many cases when deaths are detected or reported it is not possible to determine the cause of death from recovered carcasses. The number of documented deaths may be as little as 17 percent of the actual number of deaths (Kraus *et al.*, 2005).

The number of human-caused right whale deaths and serious injuries may be increasing. Since 1990, there have been more than 50 confirmed deaths, 56 percent of which have been attributed to