

user and the process by which a user may request that the toll free number be linked to his or her ten-digit telephone number in the TRS Numbering Directory. In its promotional materials, the provider may simply provide a link to this information on the provider's Web site. This approach will ensure that deaf and hard-of-hearing users who want to acquire or retain a toll free number can easily find the information they need to do so, while at the same time alleviating Sorenson's concern about the burden on providers.

17. We also clarify the *iTRS Toll Free Order* with respect to toll free service provider contact information. An *iTRS* provider may satisfy the requirement that it provide contact information by linking to the list of toll free service providers maintained on the 800 Service Management System (SMS/800) Web site. The Commission's Consumer and Governmental Affairs Bureau has produced an American Sign Language video explaining the *iTRS Toll Free Order*, and the accompanying text directs *iTRS* users to the SMS/800 Web site's list of toll free service providers, which provides the most up-to-date information. Given that the Commission itself directs deaf and hard-of-hearing consumers to the SMS/800 Web site for toll free service provider information, we find that it is reasonable to allow *iTRS* providers to do the same.

18. Finally, we deny Sorenson's request to establish a one-year end date for the customer notification requirements. At the end of the one-year transition period established in the *Order*, *iTRS* users will still be able to subscribe to toll free numbers and have them entered into the TRS Numbering Directory. Moreover, with the modified requirements set forth herein, we have significantly reduced the burden of providing such notice.

#### IV. Procedural Matters

##### A. Paperwork Reduction Act

19. This Order on Reconsideration does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

##### B. Congressional Review Act

20. The rules previously adopted in the *iTRS Toll Free Order* were submitted to Congress and the

Government Accountability Office pursuant to the Congressional Review Act and remain unchanged by this Order on Reconsideration.

#### V. Ordering Clauses

21. Accordingly, *it is ordered*, pursuant to the authority contained in sections 1, 4(i), 225, 251(e), 255, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 225, 251(e), 255, 405, and §§ 1.1 and 1.429 of the Commission's rules, 47 CFR 1.1, 1.429, that this Order on Reconsideration IS *adopted*, effective thirty (30) days after publication of the text or summary thereof in the **Federal Register**.

22. *It is further ordered*, pursuant to the authority contained in section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, that the Petition for Reconsideration and Clarification filed by Sorenson Communications, Inc. on October 27, 2011 is *granted* to the extent described herein and is otherwise *denied*.

Federal Communications Commission.

**Marlene H. Dortch**,

*Secretary*.

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#### DEPARTMENT OF TRANSPORTATION

##### Federal Railroad Administration

##### 49 CFR Part 219

[Docket No. FRA-2001-11213, Notice No. 16]

##### Alcohol and Drug Testing: Determination of Minimum Random Testing Rates for 2013

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice of determination.

According to data from FRA's Management Information System, the rail industry's random drug testing positive rate has remained below 1.0 percent for the last two years. The Federal Railroad Administrator (Administrator) has therefore determined that the minimum annual random drug testing rate for the period January 1, 2013, through December 31, 2013, will remain at 25 percent of covered railroad employees. In addition, because the industry-wide random alcohol testing violation rate has remained below 0.5 percent for the last two years, the Administrator has determined that the minimum random

alcohol testing rate will remain at 10 percent of covered railroad employees for the period January 1, 2013, through December 31, 2013. Railroads remain free, as always, to conduct random testing at higher rates.

**DATES:** This notice of determination is effective December 26, 2012.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Gross, Trial Attorney, Office of Chief Counsel, Mail Stop 10, Federal Railroad Administration, 1200 New Jersey Avenue SE., Washington, DC 20590, (telephone 202-493-1342); or Kathy Schnakenberg, FRA Alcohol/Drug Program Specialist, (telephone 719-633-8955).

Issued in Washington, DC on December 18, 2012.

**Karen J. Hedlund**,

*Deputy Administrator*.

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

##### 50 CFR Part 635

[Docket No. 120706221-2705-02]

**RIN 0648-XC106**

##### Atlantic Highly Migratory Species; 2013 Atlantic Shark Commercial Fishing Season

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

**ACTION:** Final rule; fishing season notification.

**SUMMARY:** This final rule establishes the opening dates and quotas for the 2013 fishing season for the Atlantic commercial shark fisheries (sandbar sharks, non-sandbar large coastal sharks, blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks), non-blacknose small coastal sharks, or blacknose sharks). Baseline quotas are adjusted as required based on any over- and/or underharvests experienced during the 2011 and 2012 Atlantic commercial shark fishing seasons. We used previously-implemented regulatory criteria that contain adaptive management measures to determine the opening dates. We also plan to use these measures throughout the fishing year for inseason adjustments to the shark retention limits, as appropriate, to provide, to the extent practicable,