

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 64**

[CG Docket Nos. 11–116 and 09–158; CC Docket No. 98–170; FCC 12–42]

**Empowering Consumers To Prevent and Detect Billing for Unauthorized Charges (“Cramming”); Consumer Information and Disclosure; Truth-in-Billing Format**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** In this document, the Federal Communications Commission (FCC) is correcting a final rule that appeared in the *Federal Register* of May 24, 2012. This document corrects rules adopted to help consumers prevent and detect the placement of unauthorized charges on their telephone bills, an unlawful and fraudulent practice commonly referred to as “cramming.”

**DATES:** This correction contains modified information collection requirements that have not been approved by the Office of Management and Budget (OMB). The Commission will publish a separate document in the *Federal Register* announcing the effective date of this correction.

**FOR FURTHER INFORMATION CONTACT:** Melissa Conway, [Melissa.Conway@fcc.gov](mailto:Melissa.Conway@fcc.gov) or (202) 418–2887, of the Consumer and Governmental Affairs Bureau.

**SUPPLEMENTARY INFORMATION:** This document makes the following correction to the final rule published May 24, 2012, at 77 FR 30915:

**§ 64.2401 [Corrected].**

■ 1. On page 30919, in the third column, in § 64.2401, revise paragraph (f) to read as follows:

(f) *Blocking of third-party charges.* (1) Carriers that offer subscribers the option to block third-party charges from appearing on telephone bills must clearly and conspicuously notify subscribers of this option at the point of sale and on each carrier’s Web site.

(2) Carriers that offer subscribers the option to block third-party charges from appearing on telephone bills must clearly and conspicuously notify subscribers of this option on each telephone bill.

Federal Communications Commission.

**Bulah P. Wheeler,**

*Associate Secretary, Office of the Secretary, Office of Managing Director.*

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**DEPARTMENT OF TRANSPORTATION****Federal Railroad Administration****49 CFR Part 225**

[FRA–2008–0136, Notice No. 5]

**RIN 2130–ZA10**

**Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2013**

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

**ACTION:** Final rule.

**SUMMARY:** This rule increases the rail equipment accident/incident reporting threshold from \$9,500 to \$9,900 for certain railroad accidents/incidents involving property damage that occur during calendar year 2013. This action is needed to ensure that FRA’s reporting requirements reflect cost increases that have occurred since the reporting threshold was last published in November of 2011.

**DATES:** This regulation is effective January 1, 2013.

**FOR FURTHER INFORMATION CONTACT:** Kebo Chen, Staff Director, U.S. Department of Transportation, Federal Railroad Administration, Office of Safety Analysis, RRS–22, Mail Stop 25, West Building 3rd Floor, Room W33–314, 1200 New Jersey Ave. SE., Washington, DC 20590 (telephone 202–493–6079); or Gahan Christenson, Trial Attorney, U.S. Department of Transportation, Federal Railroad

Administration, Office of Chief Counsel, RCC–10, Mail Stop 10, West Building 3rd Floor, Room W31–204, 1200 New Jersey Ave. SE., Washington, DC 20590 (telephone 202–493–1381).

**SUPPLEMENTARY INFORMATION:****Background**

A “rail equipment accident/incident” is a collision, derailment, fire, explosion, act of God, or other event involving the operation of railroad on-track equipment (standing or moving) that results in damages to railroad on-track equipment, signals, tracks, track structures, or roadbed, including labor costs and the costs for acquiring new equipment and material, greater than the reporting threshold for the year in which the event occurs. 49 CFR 225.19(c). Each rail equipment accident/incident must be reported to FRA using the Rail Equipment Accident/Incident Report (Form FRA F 6180.54). 49 CFR 225.19(b) and (c). As revised, effective in 1997, paragraphs (c) and (e) of 49 CFR 225.19 provide that the dollar figure that constitutes the reporting threshold for rail equipment accidents/incidents will be adjusted, if necessary, every year in accordance with the procedures outlined in appendix B to part 225 to reflect any cost increases or decreases.

**New Reporting Threshold**

Approximately one year has passed since the rail equipment accident/incident reporting threshold was revised. 76 FR 72850 (November 28, 2011). Consequently, FRA has recalculated the threshold, as required by § 225.19(c), based on increased costs for labor and increased costs for equipment. FRA has determined that the current reporting threshold of \$9,500, which applies to rail equipment accidents/incidents that occur during calendar year 2012, should increase by \$400 to \$9,900 for equipment accidents/incidents occurring during calendar year 2013, effective January 1, 2013. The specific inputs to the equation set forth in appendix B (*i.e.*,  $T_{new} = T_{prior} * [1 + 0.4(W_{new} - W_{prior})/W_{prior} + 0.6(E_{new} - E_{prior})/100]$ ) to part 225 are:

Tprior	Wnew	Wprior	Enew	Eprior
\$9,500	\$25.56943	\$24.92646	191.50000	186.36667

Where:  $T_{new}$  = New threshold;  $T_{prior}$  = Prior threshold (with reference to the threshold, “prior” refers to the previous threshold rounded to the nearest \$100, as reported in the *Federal Register*);  $W_{new}$  = New

average hourly wage rate, in dollars;  $W_{prior}$  = Prior average hourly wage rate, in dollars;  $E_{new}$  = New equipment average Producer Price Index (PPI) value;  $E_{prior}$  = Prior equipment average PPI value. Using

the above figures, the calculated new threshold, ( $T_{new}$ ) is \$9,890.62, which is rounded to the nearest \$100 for a final new reporting threshold of \$9,900.