

§ 12.10-7 [Amended]

23. In § 12.10-7, remove the words "STCW endorsement" and replace them with the words "endorsement under the STCW (incorporated by reference in § 12.01-3)".

§ 12.10-9 [Amended]

24. In paragraph (b)(2) of § 12.10-9, immediately following the words "STCW Regulation VI/2", add the words "(incorporated by reference in § 12.01-3)".

§ 12.15-3 [Amended]

25. In paragraph (d)(1) of § 12.15-3, immediately following the words "the STCW Code", add the words "(incorporated by reference in § 12.01-3)".

§ 12.15-7 [Amended]

26. In paragraph (c) of § 12.15-7, immediately following the words "the STCW Code", add the words "(incorporated by reference in § 12.01-3)".

§ 12.25-45 [Amended]

27. In § 12.25-45, immediately following the words "the STCW Code", add the words "(incorporated by reference in § 12.01-3)".

§ 12.30-5 [Amended]

28. In § 12.30-5, immediately following the words "the STCW Code", add the words "(incorporated by reference in § 12.01-3)".

29. Add new subpart 12.35, consisting of §§ 12.35-1 through 12.35-5, to read as follows:

Subpart 12.35—Crewmembers on a Passenger Ship, Other Than a Ro-Ro Passenger Ship, When on an International Voyage

- Sec.
- 12.35-1 Purpose of rules.
- 12.35-3 Definition.
- 12.35-5 General requirements.

Subpart 12.35—Crewmembers on a Passenger Ship, Other Than a Ro-Ro Passenger Ship, When on an International Voyage

§ 12.35-1 Purpose of rules.

The rules in this subpart establish requirements for the certification of seamen serving on passenger ships as defined in § 12.35-3.

§ 12.35-3 Definition.

Passenger ship in this subpart means a ship, other than a Ro-Ro passenger ship, carrying more than 12 passengers when on an international voyage.

§ 12.35-5 General requirements.

If you are an unlicensed person, then, before you may serve on a passenger ship and perform duties that involve safety or care for passengers, you must—

- (a) Meet the appropriate requirements of the STCW Regulation V/3 and of section A-V/3 of the STCW Code (incorporated by reference in § 12.01-3); and
- (b) Hold documentary evidence to show that you do meet these requirements through approved or accepted training.

PART 15—MANNING REQUIREMENTS

30. The citation of authority for part 15 continues to read as follows:

Authority: 46 U.S.C. 2101, 2103, 3306, 3703, 8101, 8102, 8104, 8105, 8301, 8304, 8502, 8503, 8701, 8702, 8901, 8902, 8903, 8904, 8905(b), 9102; Pub. L. 103-206, 107 Stat. 2439; 49 CFR 1.45 and 1.46.

31. In § 15.1103, revise paragraph (d) to read as set forth below; redesignate paragraphs (e), (f), and (g) as paragraphs (f), (g), and (h), respectively; add a new paragraph (e) to read as set forth below; and revise the section heading and newly redesignated paragraphs (g) and (h) to read as follows:

§ 15.1103 Employment and service within restrictions of a license, document, and STCW endorsement or of a certificate of training.

* * * * *

(d) You must hold documentary evidence to show you meet the requirements of § 10.1005 (if licensed) or § 12.30-5 (if unlicensed) of this chapter if you are a master or crewmember on board a Ro-Ro passenger ship to which a certificate signifying compliance with the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS), has been issued.

(e) You must hold documentary evidence to show you meet the requirements of § 10.1105 (if licensed) or § 12.35-5 (if unlicensed) of this chapter if you are a master or crewmember on board a vessel that is—

- (1) Subject to the STCW;
- (2) Not a Ro-Ro passenger ship; and
- (3) Carrying more than 12 passengers when on an international voyage.

* * * * *

(g) On board a seagoing vessel required to comply with provisions of the GMDSS in Chapter IV of SOLAS, no person may employ or engage any person to serve, and no person may serve, as the person designated to maintain GMDSS equipment at sea, when the service of a person so designated is used to meet the

maintenance requirements of SOLAS Regulation IV/15, which allows for capability of at-sea electronic maintenance to ensure that radio equipment is available for radio communication, unless the person so serving holds documentary evidence that he or she is competent to maintain GMDSS equipment at sea.

(h) After January 31, 2002, on board a seagoing vessel fitted with an Automatic Radar Plotting Aid (ARPA), no person may employ or engage any person to serve, and no person may serve, as the master, chief mate, or officer of the navigational watch, unless the person so serving has been trained in the use of ARPA in accordance with § 10.205 or § 10.209 of this chapter, whichever is appropriate.

Dated: October 18, 2002.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Marine Safety, Security and Environmental Protection.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 34

Firefighting Equipment

CFR Correction

In Title 46 of the Code of Federal Regulations, Parts 1 to 40, revised as of October 1, 2001, on page 462, in § 34.50-10, paragraph (e) is revised to read as follows:

§ 34.50-10 Location—TB/ALL.

* * * * *

(e) Portable extinguishers and their stations shall be numbered in accordance with § 35.40-25 of this subchapter.

* * * * *

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 32, 42, 51, and 64

[WC Docket No. 02-269, FCC 02-240]

Federal-State Joint Conference on Accounting Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Commission convenes a Federal-State Joint Conference on Accounting Issues to provide a forum for an ongoing dialogue between the commission and the states in order to ensure that regulatory accounting data and related information filed by carriers are adequate, truthful, and thorough.

DATES: Effective October 30, 2002.

FOR FURTHER INFORMATION CONTACT: Jane Jackson, Associate Bureau Chief, Wireline Competition Bureau, at (202) 418-1500.

SUPPLEMENTARY INFORMATION: The following is a synopsis of action taken by the Commission that was adopted on August 27, 2002, and released on September 5, 2002, by the Commission: Commissioner Copps issuing a statement.

I. Introduction

In this Order, we convene a Federal-State Joint Conference on Accounting Issues to provide a forum for an ongoing dialogue between the Commission and the states in order to ensure that regulatory accounting data and related information filed by carriers are adequate, truthful, and thorough. The Federal-State Joint Conference on Accounting Issues will further this goal by facilitating cooperative federal and state review of regulatory accounting and related reporting requirements in order to determine their adequacy and effectiveness in the current market and make recommendations for improvements.

II. Background

Section 11 of the Communications Act requires that the Commission review every two years those regulations that are "no longer necessary in the public interest as the result of meaningful economic competition between providers of telecommunications service." To this end, in the *Phase II Accounting Reform* proceeding, the Commission undertook its second comprehensive, biennial review of its Part 32 accounting rules and Automated Reporting Management Information System (ARMIS) reporting requirements. As part of this review, the Commission adopted changes to its accounting and related reporting rules that were intended to "reflect a sharpened focus on ongoing regulatory needs in the areas of competition and universal service[,]" and minimize the regulatory burdens and distortions that could undermine the development of new technology. In addition, in a related Further Notice of Proposed Rulemaking, the Commission sought comment on

certain accounting and related reporting requirements it identified for future reform.

The National Association of Regulatory Utility Commissioners (NARUC) recently adopted a resolution concerning regulatory accounting rules and reporting requirements. Among other things, the NARUC resolution requests that the Commission establish a Federal-State Joint Conference "to review regulatory accounting and reporting safeguards to determine their adequacy and effectiveness in current markets and make recommendations as to future accounting and reporting changes.

III. Establishment of the Joint Conference

Accordingly, in order to further the development of improved regulatory accounting and reporting requirements and ensure that data filed by carriers are adequate, truthful, and thorough, we now convene a Federal-State Joint Conference on Accounting Issues (Joint Conference or Conference) pursuant to section 410(b) of the Communications Act. Section 410(b) provides that:

[T]he Commission may confer with any State commission having regulatory jurisdiction with respect to carriers regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission.

We find that the public interest will be furthered by convening an ongoing conference on regulatory accounting safeguards pursuant to this provision. The Joint Conference will provide a focused means by which we and interested state commissions may conduct an open dialogue, collect and exchange information, and consider initiatives that will improve the collection of adequate, truthful, and thorough accounting data for regulatory purposes. We expect the Conference will facilitate the continuing review of federal and state accounting and related reporting requirements.

Section 410(b) and the Commission's policies and procedures for implementing 410(b) Joint Conferences are flexible and will permit the Conference to begin rapidly an open dialogue regarding how best to make recommendations for improvements to existing regulatory accounting and related reporting requirements. Specifically, section 410(b) and our policies state that this Commission may confer with any State commission regarding matters that relate to the regulation of public utilities subject to the jurisdiction of either commission.

We further conclude that the Conference shall be chaired by the Chairman of this Commission or his designee. Any or all of the other Federal commissioners may participate in the Conference, as may representatives from up to five State commissions, whom we will invite following recommendations from NARUC. Meetings will be called by the Conference Chairman, who may establish a regular schedule for meetings after consultations with Conference members. In addition, the Conference at any point may decide to include any of its findings and recommendations in a written report to this Commission. Finally, the Commission shall revisit the need for and utility of the Joint Conference in two years time.

The activities of the Joint Conference will include the reexamination of federal and state regulatory accounting and related reporting requirements. The Joint Conference will have a broad mandate to evaluate accounting requirements that state and federal regulators need to carry out their responsibilities. This analysis could include, among other things, an evaluation of current regulatory accounting rules, consideration of the scope of these rules, and an examination of any additions to or eliminations of accounting requirements. The Conference may utilize existing federal and state data collection procedures and conduct hearings to collect information necessary to further the development of improved regulatory accounting and related reporting requirements and ensure that data filed by carriers are adequate, truthful, and thorough. Moreover, we direct the Conference specifically to consider the impact of its recommendations on local exchange carriers with fewer than 2 percent of the Nation's subscriber lines installed in the aggregate nationwide. The activities of the Joint Conference, however, will not limit the ability of this Commission to take separate, independent action concerning regulatory accounting and related reporting requirements.

Finally, because section 410(b) provides a flexible vehicle for state-federal cooperation, we anticipate that, as appropriate, the Joint Conference will undertake efforts and utilize tools in addition to those discussed herein. We also expect that the Conference will seek the cooperation of private sector representatives, where necessary and appropriate, to assist in identifying appropriate improvements. In sum, it is our expectation that the cooperative efforts of the Conference will help restore public confidence in the telecommunications industry by improving regulatory accounting and

related reporting requirements and ensuring that data filed by carriers are adequate, truthful, and thorough.

IV. Ordering Clauses

Pursuant to section 410(b) of the Communications Act of 1934, 47 U.S.C. 410(b), that the Federal-State Joint Conference on Accounting Issues be convened.

Pursuant to section 410(b) of the Communications Act of 1934, 47 U.S.C. 410(b), that the Federal-State Joint Conference shall be chaired by the Honorable Michael K. Powell or his designee and shall be comprised of any or all of the other Federal commissioners and representatives from up to five State commissions, who shall be recommended by the National Association of Regulatory Utility Commissioners.

List of Subjects in 47 CFR Parts 32, 42, 51, and 64

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Uniform System of Accounts.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

49 CFR Part 1511

[Docket No. TSA-2002-11334]

RIN 2110-AA02

Aviation Security Infrastructure Fees

AGENCY: Transportation Security Administration (TSA), DOT.

ACTION: Final waiver of audit submission requirements.

SUMMARY: TSA is issuing this document to inform all air carriers and foreign air carriers that, under certain conditions, it will defer enforcement of the independent audit submission deadline set forth in the regulations on Aviation Security Infrastructure Fees. This will be the final such deferral.

DATES: Under the conditions described in this document, TSA is allowing air carriers and foreign air carriers until December 31, 2002 to finalize and submit to TSA the independent audits required by 49 CFR part 1511.

FOR FURTHER INFORMATION CONTACT: For guidance on technical matters contact

Randall Fiertz, Acting Director of Revenue, (202) 385-1209. For guidance on legal or other matters contact Steven Cohen, Office of Chief Counsel, (202) 493-1216.

SUPPLEMENTARY INFORMATION: In order to offset the costs of providing civil aviation security services, TSA published in the **Federal Register** an interim final rule (67 FR 7926; February 20, 2002), codified at 49 CFR part 1511, that imposed the Aviation Security Infrastructure Fee on air carriers and foreign air carriers engaged in air transportation, foreign air transportation, and intrastate air transportation.

Sections 1511.5 and 1511.7 require these carriers to provide TSA with certain information on their costs related to screening passengers and property incurred in 2000. This information was due to be received by TSA by May 18, 2002. Section 1511.9 requires each such carrier to provide for and submit to TSA an independent audit of these costs, which were due to be received by TSA by July 1, 2002.

As reflected in the public docket on the Aviation Security Infrastructure Fee regulation, TSA-2002-11334, as available online at <http://dms.dot.gov>, TSA denied several requests that it alter the audit requirement and extend the July 1, 2002 audit deadline.

However, on three occasions TSA has announced that it would temporarily defer enforcement of the audit submission deadline against carriers that meet certain criteria related to the fees by certain dates. These criteria are that the carriers must make timely and proper fee payments, must submit any necessary revisions to their part 1511 Appendix A submission(s), and must remit all adjusted fee payments retroactive to February 18, 2002. The first announcement appeared in TSA's "Guidance for the Aviation Security Infrastructure Fee," as published in the **Federal Register** on May 1, 2002 (docket item no. 20). The second announcement was in TSA's July 24, 2002, response letter to the Air Transport Association (docket item no. 35). The third such announcement, which extended this conditional waiver of enforcement of the regulation's audit submission deadline until October 31, 2002, was published in the **Federal Register** on September 4, 2002 (docket item no. 39).

TSA's motivation in allowing additional time for the carriers to provide for and submit independent audits of their Appendix A submissions has been twofold. First, the agency was responding to numerous public requests for more time to allow the carriers to

conduct proper audits. Second, TSA was allowing for time for the 107th Congress to consider one of the Department of Transportation's proposed technical corrections to Section 118 of the Aviation and Transportation Security Act (Pub. L. 107-71), codified at 49 U.S.C. 44940. Among other changes, this proposed correction would have revised the current fee structure by setting the total fee at a flat amount that would then be apportioned among air carriers and foreign air carriers by TSA according to market share or another appropriate method, beginning in fiscal year 2003. This revision would have eliminated the need for each carrier to provide TSA with an independent audit of its Appendix A submissions regarding their calendar year 2000 costs related to screening passengers and property.

To date, Congress has not acted on this proposal. Because it now appears unlikely that this proposed revision will be enacted during the current session of Congress, TSA is issuing this document to allow time for carriers to finalize and submit to TSA the independent audits required by 49 CFR part 1511. By this document, under the above conditions, TSA extends the current temporary deferral of enforcement for air carriers and foreign air carriers whose independent audits are received by TSA on or before December 31, 2002. TSA is neither waiving nor deferring enforcement of any other requirement set forth in 49 U.S.C. 44940 or 49 CFR part 1511. Absent relevant statutory change prior to December 15, 2002, please note that TSA will not grant further general deferrals or waivers of the independent audit submission requirement. Air carriers and foreign air carriers that are not in compliance after December 31, 2002, will be subject to civil enforcement and other appropriate actions.

Issued in Washington, DC, on October 28, 2002.

James M. Loy,

Acting Under Secretary of Transportation for Security.

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