

Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

#### Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Environment

The Coast Guard has considered the environmental impact of this action and has determined that pursuant to figure 2-1, paragraph 34(h) of Commandant Instruction M164751D, that this action is categorically excluded from further environmental documentation.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46.

2. Add § 100.735 to read as follows:

##### § 100.735 Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida

(a) *Regulated areas.* (1) *Staging area.* The staging area consists of all waters of the Port Everglades turning basin, including the North and South extensions, all waters of the Bar Cut west of a line from position 26°05.668' N, 080°06.491' W, to position 26°05.557' N, 080°06.491' W, and all waters of the ICW, bank to bank, from Dania Sound Light 35 (LLNR 47575) to the Port Everglades turning basin.

(2) *Parade route.* The parade route consists of the Intracoastal Waterway, bank to bank, from a line drawn across the ICW at the 17th Street Causeway Bridge between position 26°06.098' N, 080°07.179' W and position 26°06.092' N, 080°07.085' W, to Pompano Beach Daybeacon 74 (LLNR 47230).

(3) *Viewing area.* The viewing area consists of all waters of the ICW east of the centerline of the charted channel

from the Sunrise Boulevard Bridge (26°08.281' N, 080°06.482' W) past Hugh Taylor Birch State Park to position 26°09.0' N, 080°06.3' W at the north end of Hugh Taylor Birch State Park.

(4) *Judging area.* The judging area consists of an area of the ICW, bank to bank, from a point on the northwest side of the 17th Street Causeway Bridge in position 26°06.098' N, 080°07.179' W, north to position 26°06.131' N, 080°07.19' W, then east to position 26°06.131' N, 080°07.10' W, then back south to position 26°06.092' N, 080°07.085' W at the northeast side of the 17th Street Causeway Bridge.

(b) *Special local regulations.* (1) *Staging area.* Non-participant vessels are prohibited from entering or anchoring in the staging area, unless authorized by the Coast Guard Patrol Commander. The Coast Guard Patrol Commander may allow vessels to enter the staging area when the last participant vessel has departed the staging area. The Coast Guard Patrol Commander will notify the public via Marine Safety Radio Broadcast on VHF Marine Band Radio, Channel 16 (157. MHz) if vessels are allowed to enter the staging area.

(2) *Parade route.* During the parade transit, non-participant vessels are prohibited from approaching within 175 yards ahead of the lead vessel and 175 yards astern of the last participating vessel in the parade, and within 15 yards either side of the parade unless authorized by the Coast Guard Patrol Commander.

(3) *Viewing and judging areas.* Vessels are prohibited from entering or anchoring in the viewing and judging areas.

(4) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Miami, Florida and is also the designated representative of the Captain of the Port of Miami for purposes of enforcing security zones in Port Everglades during this event.

(c) *Dates.* This section is effective from 4 p.m. until 11 p.m. annually, on the first Saturday falling between December 13 and 19, inclusive.

Dated: October 23, 2002.

**James S. Carmichael,**

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 02-27665 Filed 10-30-02; 8:45 am]

**BILLING CODE 4910-15-P**

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 271

[FRL-7399-9]

#### Massachusetts: Extension of Interim Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to extend the expiration date from January 1, 2003, to January 1, 2006, for the interim authorization under the Resource Conservation and Recovery Act, of the Massachusetts program for regulating Cathode Ray Tubes ("CRTs"). Massachusetts was granted interim authorization to assume the responsibility under the Toxicity Characteristics Rule ("TC Rule") for regulating CRTs on November 15, 2000. That previously granted interim authorization is due to expire on January 1, 2003, and needs to be extended. Elsewhere in today's **Federal Register**, EPA is publishing a rule to authorize the extension without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this extension during the comment period, the decision to extend the interim authorization will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and this separate document in this proposed rules section of this **Federal Register** will serve as the proposal to authorize the changes.

**DATES:** Send your written comments by December 2, 2002.

**ADDRESSES:** Send any written comments to Robin Biscaia, EPA New England, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023; telephone: (617) 918-1642. Documents related to EPA's previous decision to grant interim authorization (regarding regulation of CRTs) and the materials which EPA used in now considering the extension (the "Administrative Record") are available for inspection and copying during normal business hours at the following locations: Massachusetts Department of Environmental Protection Library, One Winter Street—2nd Floor, Boston, MA 02108, business hours: 9 a.m. to 5 p.m., telephone: (617) 292-5802; or EPA New England Library, One Congress Street—11th Floor, Boston, MA 02114-2023, business hours: 10

a.m. to 3 p.m., Monday through Thursday, telephone: (617) 918-1990.

**FOR FURTHER INFORMATION CONTACT:** Robin Biscaia, Hazardous Waste Unit, Office of Ecosystems Protection, EPA New England, One Congress Street, Suite 1100 (CHW), Boston, MA 02114-2023, telephone: (617) 918-1642.

**SUPPLEMENTARY INFORMATION:** For additional information, please see the immediate final rule published in the "Rules and Regulations" section of this **Federal Register**.

Dated: October 17, 2002.

**Robert W. Varney,**

*Regional Administrator, EPA New England.*

[FR Doc. 02-27342 Filed 10-30-02; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### 46 CFR Part 540

[Docket No. 02-15]

#### Passenger Vessel Financial Responsibility

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Maritime Commission proposes to amend its rules regarding the establishment of passenger vessel financial responsibility under sections 2 (Casualty) and 3 (Performance) of Pub. L. 89-777. The amendments would: eliminate the current ceiling on required Performance coverage; adjust the amount of coverage required by providing for consideration of the obligations of credit card issuers; provide for the use of Alternative Dispute Resolution ("ADR"), including the Commission's ADR program, in resolving passenger performance claims; revise the application form; and make a number of technical adjustments to the Performance and Casualty rules.

**DATES:** Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications, no later than January 8, 2003. As the Commission continues to experience some difficulty with mail delivery, commenters are encouraged to use e-mail, courier or express delivery services.

**ADDRESSES:** Address all comments concerning this proposed rule to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Room 1046, Washington, DC 20573-0001. E-mail: [secretary@fmc.gov](mailto:secretary@fmc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Sandra L. Kusumoto, Director, Bureau of Consumer Complaints and Licensing; 202-523-5787; E-mail: [sandrak@fmc.gov](mailto:sandrak@fmc.gov); or

Ronald D. Murphy, Commission Dispute Resolution Specialist and Deputy Director, Bureau of Consumer Complaints and Licensing; 202-523-5787; E-mail: [ronaldm@fmc.gov](mailto:ronaldm@fmc.gov); or David R. Miles, Acting General Counsel, 202-523-5740; E-mail: [davidm@fmc.gov](mailto:davidm@fmc.gov); Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001.

**SUPPLEMENTARY INFORMATION:** Section 3 of Public Law 89-777 ("section 3")<sup>1</sup>, 46 U.S.C. app. 817e, requires passenger vessel operators ("PVOs")<sup>2</sup> to establish their financial responsibility to indemnify passengers for nonperformance of transportation. Section 2 of Public Law 89-777 ("section 2"), 46 U.S.C. app. 817d, requires owners and charterers of vessels with berth or stateroom accommodations for fifty or more passengers, and embarking passengers at U.S. ports, to establish financial responsibility to meet liability for death or injury to passengers or other persons on voyages to and from U.S. ports.

Effective August 5, 2002, the Commission amended its section 3 implementing regulations at 46 CFR part 540, subpart A, to eliminate self-insurance as a means of evidencing financial responsibility, to limit those entities acceptable as a guarantor, and to eliminate certain sliding scale provisions as to the amount of coverage required, 67 FR 44774 (July 5, 2002). A number of comments received in that rulemaking proceeding addressed concerns outside the scope of the proceeding. In particular, several commenters suggested that the current \$15 million ceiling on the amount of the

<sup>1</sup> Section 3 provides, in pertinent part:

(a) No person in the United States shall arrange, offer, advertise, or provide passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which is to embark passengers at United States ports without there first having been filed with the Federal Maritime Commission such information as the Commission may deem necessary to establish the financial responsibility of the person arranging, offering, advertising, or providing such transportation, or, in lieu thereof, a copy of a bond or other security, in such form as the Commission, by rule or regulation, may require and accept, for indemnification of passengers for nonperformance of the transportation.

<sup>2</sup> For the purposes of section 3, a PVO is considered to be any person in the United States that arranges, offers, advertises or provides passage on a vessel having berth or stateroom accommodations for fifty or more passengers and which embarks passengers at U.S. ports.

unearned passenger revenue ("UPR")<sup>3</sup> required to be covered be substantially raised or eliminated completely. Some who advocated lifting the ceiling were concerned about an apparent competitive advantage to larger vessel operators required to cover only a fraction of their total UPR, while smaller operators with less than \$15 million UPR must cover all of their UPR. One of the larger operators suggested that coverage requirements adjust upwards as UPR increases, in order to remedy the increasing shortfall in coverage as the larger fleets continue to increase in size. Partially in response to those comments, and in light of industry circumstances more fully described herein, the Commission has reviewed its rules and has determined that a number of changes should be made, including eliminating the ceiling.

The Commission also proposes minor amendments to its section 2 implementing regulations for casualty coverage, 46 CFR part 540, subpart B. Those changes would eliminate references to escrow agreements and make other technical changes.

#### State of the Industry

The current \$15 million ceiling set forth at 46 CFR 540.9(j) has been in existence since 1991, when it was raised from \$10 million.<sup>4</sup> In 1994, the Commission proposed to remove the \$15 million ceiling, but following receipt of comments, the Commission opted to revise its proposal by imposing a sliding scale requirement that would increase the amount of coverage required for those cruise lines exceeding \$15 million in unearned passenger revenues, without requiring coverage of the total amount of UPR. Docket No. 94-06, *Financial Responsibility Requirements for Nonperformance of Transportation*; Proposed Rule, 59 FR 15149 (March 31, 1994); Further Proposed Rule, 61 FR 33059 (June 26, 1996). That proceeding was discontinued earlier this year, without producing changes to the ceiling. *Id.*, Proceeding Discontinued, 67 FR 19535 (April 22, 2002).

Part of the reason the Commission stepped back from its prior efforts to require total coverage protection was the

<sup>3</sup> As currently defined, UPR means "passenger revenue received for water transportation and all other accommodations, services, and facilities relating thereto not yet performed." 46 CFR 540.2(i).

<sup>4</sup> The UPR coverage ceiling initially was set in 1967 at \$5 million (Docket No. 66-67, Final Rule, 67 FR 2723 (March 10, 1967)), rose in 1981 to \$10 million (Docket No. 79-93, 45 FR 234328, (April 1, 1980)), and rose again in 1990 to \$15 million (Docket No. 90-1, Final Rule, 55 FR 34564 (August 23, 1990); Correction, 55 FR 35983 (September 4, 1990)).