



**Passenger Vessel  
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September 12, 2012

The Honorable Richard A. Lidinsky, Jr.  
Chairman  
Federal Maritime Commission  
800 North Capitol Street, NW  
Washington, DC 20573-0001

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OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMMISSION

Dear Mr. Chairman:

As you know, several U.S.-flagged vessels operated by members of the Passenger Vessel Association (PVA) are required by statute and rule to demonstrate to the Federal Maritime Commission evidence of financial responsibility to reimburse customers in the event of voyage nonperformance. Accordingly, PVA has actively participated in the Commission's proceedings related to Docket 11-16 "Passenger Vessel Operator Financial Responsibility Requirements for Nonperformance of Transportation." PVA's position all along has been that any change in the existing regulation be structured so that it does not inadvertently impose economic hardship on operators of U.S.-flagged "small ship" overnight cruise vessels.

In comments dated November 21, 2011, PVA urged the Commission to re-examine its initial determination that the proposed rule would not affect small businesses. PVA is grateful that the Commission responded to this request and sought additional information on this topic.

Apparently, the Commission has collected and analyzed information as to the proposed rule's impact on small entities. However, that information and any accompanying analysis have not been made a part of the record of Docket 11-16, so no outside party has had the opportunity to examine and comment on it.

It would be in keeping with the dictates of the Administrative Procedure Act for such an opportunity to take place. Accordingly, PVA urges that the Commission defer any final action on the proposed rule for now and instead place in the public record of the docket the small entity economic information and analysis, as well as any possible changes to the proposed rule, and to allow a period of public comment. Thank you!

Sincerely,

Edmund B. Welch  
Legislative Director