

SUBCHAPTER A—PROCEDURES APPLICABLE TO THE PUBLIC

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

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AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 46 U.S.C. Chapter 93; Pub. L. 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1; §1.01-35 also issued under the authority of 44 U.S.C. 3507.

SOURCE: CGD 88-033, 54 FR 50376, Dec. 6, 1989, unless otherwise noted.

Subpart 1.01—Organization and General Flow of Functions

§ 1.01-05 Definitions of terms used in this part.

- (a) The term *Commandant* means the Commandant of the Coast Guard.
- (b) The term *District Commander* means an officer of the Coast Guard

designated as such by the Commandant to command all Coast Guard activities within a district.

(c) The term *Area Commander* means an officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within an Area.

(d) The term *Credential* means any or all of the following:

- (1) Merchant mariner's document.
- (2) Merchant mariner's license.
- (3) STCW endorsement.
- (4) Certificate of registry.
- (5) Merchant mariner credential.

(e) The term *Merchant mariner credential or MMC* means the credential issued by the Coast Guard under 46 CFR part 10. It combines the individual merchant mariner's document, license, and certificate of registry enumerated in 46 U.S.C. subtitle II part E as well as the STCW endorsement into a single credential that serves as the mariner's qualification document, certificate of identification, and certificate of service.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989, as amended by USCG-2006-24520, 71 FR 35818, June 22, 2006; USCG-2006-24371, 74 FR 11213, Mar. 16, 2009]

§ 1.01-10 Organization.

(a) The Commandant is the head of the agency and exercises overall direction over the policy and administration of the Coast Guard.

(b) To carry out the regulatory and enforcement aspects of marine safety, the staff officers designated in this paragraph are assigned to the Commandant. The chain of military command is directly from the Commandant to the District Commanders, except for marine safety regulatory and enforcement matters within the area of responsibility of Coast Guard Activities Europe. For Activities Europe, the chain of command is from the Commandant to the Atlantic Area Commander. The staff officers at Headquarters act only on the basis of the Commandant's authority and direction.

(c) The Deputy for Operations Policy and Capabilities (CG-DCO-D), under

the general direction of the Commandant, directs, supervises, and coordinates the activities of the Assistant Commandant for Response (CG-5R), the Assistant Commandant for Prevention Policy (CG-5P), and the Director of Operations Resource Management (CG-DCO-R).

(1) CG-5R directs, supervises, and coordinates the activities of:

(i) The Director of Incident Management and Preparedness Policy (CG-5RI), including—

(A) The Office of Environmental Response Policy (CG-MER),

(B) The Office of Search and Rescue (CG-SAR), and

(C) The Office of Crisis and Contingency Planning and Exercise Policy (CG-CPE); and

(ii) The Director of Law Enforcement, Maritime Security and Defense Operations Policy (CG-5RE) including:

(A) The Office of Law Enforcement Policy (CG-MLE),

(B) The Office of Maritime Security Response Policy (CG-MSR), and

(C) The Office of Counterterrorism and Defense Operations Policy (CG-DOD). (2) CG-5P directs, supervises and coordinates the activities of:

(i) The Director of Commercial Regulations and Standards (CG-5PS) including

(A) The Office of Design and Engineering Standards (CG-ENG),

(B) The Office of Operating and Environmental Standards (CG-OES), and

(C) The Office of Standards Evaluation and Development (CG-REG); and

(ii) The Director of Inspections and Compliance (CG-5PC) including

(A) The Office of International and Domestic Port Assessments (CG-PSA),

(B) The Office of Auxiliary and Boating Safety (CG-BSX),

(C) The Office of Commercial Vessel Compliance (CG-CVC),

(D) The Office of Port & Facility Compliance (CG-FAC), and

(E) The Office of Investigations and Casualty Analysis (CG-INV); and

(iii) The Director of Marine Transportation Systems (CG-5PW) including

(A) The Office of Bridge Programs (CG-BRG),

(B) The Office of Waterways and Ocean Policy (CG-WWM), and

(C) The Office of Navigation Systems (CG-NAV); and

(iv) CG-5PC exercises technical control over the Commanding Officer, National Maritime Center (NMC), and, through the District Commander, supervises the administration of the Marine Safety Division of District Offices and Officers in Charge, Marine Inspection.

(3) CG-DCO-R directs, supervises and coordinates the activities of

(i) The Office of Workforce Management (CG-DCO-R-1),

(ii) The Office of Budget Development (CG-DCO-R-2),

(iii) The Office of Budget Execution (CG-DCO-R-3), and

(iv) The Office of Information Resources (CG-DCO-R-6).

(d) The Port Safety and Security programs administered by the Chief, Office of Port Security Assessments (CG-PSA), and the Marine Environmental Response programs administered by the Chief, Office of Environmental Response Policy (CG-MER), are guided by regulations contained in 33 CFR chapter I.

(1) The Deputy for Operations Policy and Capabilities (CG-DCO-D) exercises technical control over the Commanding Officer, National Maritime Center (NMC), and, through the District Commander, supervises the administration of the Marine Safety Division of District Offices and Officers in Charge, Marine Inspection.

(i) The Director of Commercial Regulations and Standards (CG-5PS), under the general direction and supervision of the Deputy for Operations Policy and Capabilities (CG-DCO-D), establishes federal policies for development of marine safety, security, and environmental protection treaties, laws, and regulations; develops safety, security, and environmental protection standards for the maritime industry; integrates all marine safety, security, and environmental protection regulatory programs; prepares legislation, regulations, and industry guidance for new safety and environmental protection programs; and maintains an active program for development of third party consensus industry standards.

(A) The Chief, Office of Design and Engineering Standards (CG-ENG), at

Headquarters, under the direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Commercial Regulations and Standards (CG-5PS), manages the program for defining the overall regulatory approach for vessels, offshore structures, and other marine systems incorporating safety considerations regarding the role of the human element; develops policies and regulations on load line matters and supervises classification societies authorized to assign load lines on behalf of the Coast Guard; oversees the development and maintenance of programs that incorporate risk-based methods in making safety determinations and policies; and oversees technical research and development for safety and environmental protection associated with marine vessels, structures and facilities.

(B) The Chief, Office of Operating and Environmental Standards (CG-OES), at Headquarters, under the direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Commercial Regulations and Standards (CG-5PS), coordinates and integrates program standards for personnel qualification, vessel manning, vessel and facility operations, cargo systems and handling, and environmental protection; develops and maintains standards, regulations, and industry guidance for maritime industry operations to prevent deaths, injuries, property damage, and environmental harm; develops and maintains safety standards and regulations for commercial fishing industry vessels and uninspected commercial vessels; and develops and maintains health and safety standards and regulations for U.S.-inspected vessels.

(C) The Chief, Office of Standards Evaluation and Development (CG-REG), at Headquarters, under the Direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Commercial Regulations and Standards (CG-5PS), coordinates the development of new standards, programs, and regulations across all technical and operational areas of marine safety and environmental protection; provides comprehensive analytical support for all standards assessment and development efforts; coordinates devel-

opment of measures of effectiveness for assessing regulatory programs and consensus standards; and oversees the Coast Guard's rulemaking development program.

(D) The Commanding Officer, Marine Safety Center, under the Direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Commercial Regulations and Standards (CG-5PS), conducts reviews and approvals of plans, calculations, and other materials concerning the design, construction, alterations, and repair of commercial vessels to determine conformance with the marine inspection laws, regulations, and implementing directions, and administers the U.S. Tonnage Measurement program.

(ii) The Director of Inspections and Compliance (CG-5PC), under the general direction and supervision of the Assistant Commandant for Prevention Policy (CG-5P), acts as Program Manager for the Marine Safety, Security, and Environmental Protection Programs; directs, coordinates, and integrates the Coast Guard's marine safety and environmental protection compliance programs, contingency planning, response operations, and investigations programs; establishes and coordinates field implementation policies and priorities for all marine safety commands and units; serves as the focal point for field support and technical guidance; and provides oversight of marine documentation and marine personnel administration matters.

(A) The Chief, Office of Commercial Vessel Compliance (CG-CVC), at Headquarters, under the direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Inspections and Compliance (CG-5PC), administers and balances all marine safety and environmental protection compliance programs, including direction of Coast Guard activities and oversight of third parties and industry programs; develops, publishes, and maintains program policies for vessel compliance, interprets standards and regulations, and provides field guidance for execution and enforcement; administers the marine inspection program, commercial fishing vessel examination program, and foreign vessel boarding

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program for the enforcement of commercial vessel material and operational safety standards; and supervises the administration of the manning of U.S. vessels and credentialing of U.S. mariners.

(B) The Chief, Office of Environmental Response Policy (CG-MER), at Headquarters, under the Direction of the Deputy for Operations Policy and Capabilities (CG-DCO-D) and the Assistant Commandant for Response Policy (CG-5R), coordinates and integrates field planning, preparedness, and response operations for pollution incidents, natural disasters, marine accidents, terrorism, and other threats to public safety, the marine environment, or marine transportation and commerce; develops, publishes, and maintains program policies for preparedness and response, interprets laws and regulations, and provides field guidance for execution; provides guidance regarding emergency authorities of the Captain of the Port (COTP); and administers Office programs for ports and waterway management, bridging compliance, and response efforts with an active presence in the marine environment.

(C) The Chief, Office of Investigations and Analyses (CG-INV), at Headquarters, under the direction of the Assistant Commandant for Prevention Policy (CG-5P) and the Director of Inspections and Compliance (CG-5PC), reviews investigations of marine casualties; manages, develops policy for and evaluates domestic and international programs and processes associated with investigations of marine casualties and injuries; manages analysis of casualties and casualty data, civil penalties and other remedial programs (including proceedings to suspend or revoke Coast Guard credentials held by mariners); and manages marine employer drug and alcohol testing programs.

(D) The Commanding Officer, Coast Guard National Maritime Center (NMC), under technical control of the Director of Inspections and Compliance (CG-5PC), administers the mariner credentialing program; evaluates merchant mariners for suitability for service; issues merchant mariner credentials; evaluates and conducts oversight of approved courses; and exercises oper-

ational and administrative control over the NMC detachments.

(iii) The Director of Operations Resource Management (CG-DCO-R), under the general direction and supervision of the Deputy Commandant for Operations (CG-DCO), serves as Facility Manager for the marine safety programs; coordinates and integrates financial, informational, and human resources; plans, acquires, develops, and allocates resources for development and execution of the Coast Guard's marine safety programs; provides the focal point for all resource issues in support of the Standards and Operations Directorates; and oversees the development and management of the Coast Guard's direct user fee program.

(2) The Judge Advocate General and Chief Counsel of the Coast Guard (CG-094), under the general direction of and in coordination with the General Counsel, Department of Homeland Security, is the senior legal advisor to the Commandant, Vice Commandant, and senior staff officers. The Judge Advocate General advises on all cases and controversies arising under the various authorities of the Coast Guard involving alleged violations of international, maritime, navigation, and vessel inspection laws, or regulations prescribed there under and published in this chapter or in 33 CFR chapter I, and reviews appeals to the Commandant from actions derived from these authorities. On completion of such a review, the Judge Advocate General prepares a proposed action for the Commandant's consideration or, in appropriate cases, takes final action on behalf of, and as directed by, the Commandant.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.01-10, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1.01-15 Organization; Districts; National Maritime Center.

(a) To assist the District Commander, and the Atlantic Area Commander with respect to Activities Europe, in carrying out the regulatory and enforcement aspects of marine safety, there is assigned to each District Commander and to the Atlantic

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Area Commander a staff officer designated as Chief, Marine Safety Division. The chain of military command is from the District Commander to each Officer in Charge, Marine Inspection, within the district and from the Atlantic Area Commander to the Officer in Charge, Activities Europe. The Chief of the Marine Safety Division is a staff officer assigned to the District Commanders and Atlantic Area Commander, and acts only on the basis of the authority and direction of the District Commanders, and the Atlantic Area Commanders with respect to Activities Europe.

(1) The Chiefs, Marine Safety Division, in the District Offices, under the supervision of their respective District Commanders, direct the activities of their district relative to vessel, factory and shipyard inspections; reports and investigations of marine casualties and accidents; processing of violations of navigation and vessel inspection laws; the credentialing, shipment and discharge of seamen; the investigation and institution of proceedings looking to suspension and revocation under 46 U.S.C. chapter 77 of credentials held by persons; and all other marine safety regulatory activities except those functions related to recreational boating when under the supervision of the Chiefs, Boating Safety Division (CG-BSX-2), in the District Offices.

(2) Unless otherwise provided for, the Chiefs, Boating Safety Division (CG-BSX-2), in the District Offices, under the supervision of their respective District Commanders, direct the activities in their districts relative to administration of the law enforcement program applicable to uninspected vessels used for recreational purposes and the imposition and collection of penalties in connection therewith; maintain liaison with Federal and State agencies having related interests; develop and coordinate agreements and arrangements with Federal and State agencies for cooperation in the enforcement of State and Federal laws related to recreational boating; and review investigative reports of recreational boating accidents.

(b) The Officers in Charge, Marine Inspection, in the Coast Guard districts, under the supervision of the District

Commanders, and the Officer in Charge, Activities Europe, under the supervision of the Atlantic Area Commander are in charge of the marine inspection offices in the various ports and have command responsibilities with assigned marine safety zones for the performance of duties with respect to the inspection, enforcement and administration of navigation and vessel inspection laws, and rules and regulations governing marine safety. The Officer in Charge, Marine Inspection, has been designated and delegated to give immediate direction to Coast Guard activities relating to marine safety functions consisting of inspection of vessels in order to determine that they comply with the applicable laws, rules, and regulations relating to construction, equipment, manning and operation, and to be satisfied that such vessels are in seaworthy condition for the services in which such vessels are to be operated; shipyard inspections; factory inspections of materials and equipment for vessels; credentialing shipment and discharge of seaman; investigations of marine casualties and accidents; investigations of violations of law; negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding credentials issued by the Coast Guard; initiations of actions seeking suspension or revocation under 46 U.S.C. chapter 77 of credentials held by persons, and presentation of cases at hearings before Administrative Law Judges; and the enforcement of navigation, vessel inspection and seaman laws in general.

(c) The Commanding Officer of the National Maritime Center has been designated and delegated to:

(1) Give direction to Coast Guard activities relating to marine safety functions consisting of the licensing, credentialing, certificating, shipment and discharge of seamen;

(2) Refer to the processing NMC detachment, the Suspension and Revocation National Center of Expertise, or cognizant OCMI potential violations of law, negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding merchant mariner's documents, licenses, certificates or credentials issued by the Coast Guard,

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and recommend suspension or revocation under 46 U.S.C. Chapter 77 when deemed appropriate; and

(3) Grant, withhold, suspend, or withdraw course approvals.

(d) The Commanding Officer of the National Maritime Center has the same authority as an OCMI for the purpose of carrying out the marine safety functions listed in paragraph (c) of this section pursuant to the provisions of subchapter B of this chapter.

(e) Applicants for merchant mariner's documents, licenses, certificates or credentials may apply to the Coast Guard National Maritime Center or any of the NMC detachments. Applicants may contact the National Maritime Center at 100 Forbes Drive, Martinsburg, West Virginia 25404, or by telephone at 1-888-I-ASK-NMC (1-888-427-5662). A list of NMC detachment locations is available through the Coast Guard Web site at <http://www.uscg.mil>.

(f) For descriptions of Coast Guard districts and marine inspection zones, see 33 CFR part 3.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.01-15, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1.01-20 Suspension and revocation proceedings.

(a) The Commandant takes final agency action on each proceeding concerned with revocation.

(b) The Commandant has delegated authority to the Vice Commandant in 33 CFR 1.01-40 to take final agency action under subparts I, J, and K of part 5 of this chapter on each proceeding except on a petition or appeal in a case on which an order of revocation has been issued.

(c) The Commandant assigns to his staff a Chief Administrative Law Judge who is an Administrative Law Judge appointed under 5 U.S.C. 3105 and whose assignment is to:

(1) Act as adviser and special assistant to the Commandant on matters concerning the administration of hearings conducted under 46 U.S.C. chapter 77;

(2) Conduct hearings under 46 U.S.C. chapter 77;

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(3) Train new Administrative Law Judges assigned to conduct hearings under 46 U.S.C. chapter 77;

(4) Review the written decisions and orders of each Administrative Law Judge assigned to conduct a hearing under 46 U.S.C. chapter 77; and

(5) Act as adviser to the Chief Counsel in preparation of the final action of proceedings conducted under subparts I, J, and K of part 5 of this chapter.

(d) The Chief Counsel of the Coast Guard, under the general direction and supervision of the Commandant, U.S. Coast Guard:

(1) Acts as an adviser and as a special assistant to the Commandant in matters of law; and

(2) Prepares for the consideration of the Commandant or the Vice Commandant, as appropriate, proposed decisions on cases on appeal or review in suspension and revocation proceedings.

§ 1.01-25 General flow of functions.

(a) The Officer in Charge, Marine Inspection, has final authority with respect to the functions described in § 1.01-15(b) of this subpart, subject to the rights of appeal set forth in subpart 1.03 of this part.

(b)(1) The general course and method by which the functions (other than those dealing with suspension and revocation of credentials described in paragraph (c) of this section) concerning marine safety activities are channeled, begins with the Officer in Charge, Marine Inspection, at the local Sector Office. From this Officer the course is to the Chief, Marine Safety Division, on the staff of the District Commander, and then to the District Commander. From the District Commander, the course is to the Chief of one of the offices with Marine Safety and Environmental Protection at Headquarters.

(2) For Activities Europe, the course is from the Officer in Charge, Activities Europe to the staff of the Atlantic Area Commander, then to the Atlantic Area Commander, and then to the Chief of one of the offices with Marine Safety and Environmental Protection at Headquarters.

(c) In proceedings involving the suspension or revocation of a Coast Guard credential issued to an individual, the

course and method by which such proceedings are channeled are as follows:

(1) In the United States, the Commonwealth of Puerto Rico, Territory of Guam, the Virgin Islands, and other possessions, the proceedings are initiated by the issuance of a complaint against the holder of the Coast Guard credential. A Coast Guard Investigating Officer, as defined in 46 CFR 5.15, causes the complaint to be served on the person described therein (respondent) who is a holder of a Coast Guard credential. At a hearing the Coast Guard submits evidence to support the allegations of the complaint, while the respondent may submit evidence in rebuttal or mitigation. The Administrative Law Judge renders a decision on the basis of the evidence adduced at the hearing and the law. The Administrative Law Judge's decision is given to the respondent.

(i) In a case where an appeal is made by either party (Coast Guard or respondent), the notice of appeal is filed in accordance with the procedures of 33 CFR 20.1001(a).

(ii) [Reserved]

(2) [Reserved]

(d) In the performance of their duties, all Coast Guard Administrative Law Judges are bound by law and the regulations in this chapter or in 33 CFR chapter I. Statements of policy, clarification of points of procedure, and general administrative instructions are published in *Administrative Law Judges' Circulars and Administrative Law Judges' Internal Practices and Procedures Series*. The Chief Administrative Law Judge, located in the Office of the Commandant, U.S. Coast Guard, maintains a complete file of these publications for reading purposes during normal working hours.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989, as amended by CGD 96-041, 61 FR 50725, Sept. 27, 1996; CGD 97-057, 62 FR 51040, 51041, Sept. 30, 1997; USCG-2004-18884, 69 FR 58341, Sept. 30, 2004; USCG-2006-24520, 71 FR 35818, June 22, 2006; USCG-2006-25556, 72 FR 36329, July 2, 2007; USCG-2006-24371, 74 FR 11214, Mar. 16, 2009; USCG-2009-0314, 74 FR 30937, June 29, 2009]

§ 1.01-30 Judicial review.

(a) Nothing in this chapter shall be construed to prohibit any party from seeking judicial review of any Com-

mandant's decision or action taken pursuant to the regulations in this part or part 5 of this chapter with respect to suspension and revocation proceedings arising under 46 U.S.C. chapter 77.

(b) If the person found guilty of any offense fails to make a timely appeal, the decision of the Administrative Law Judge is final and binding on the person charged as of the date that the decision is delivered to the person charged or his authorized representative.

§ 1.01-35 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection and record keeping requirements in this subchapter by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). The Coast Guard intends that this section comply with the requirements of 44 U.S.C. 3507(f) which requires agencies display a current control number assigned by the Director of the OMB for each approved agency information collection requirement.

(b) *Display.*

| 46 CFR part or section where identified or described | Current OMB control No. |
|--|-------------------------|
| § 2.01 | 1625-0002 |
| § 2.95-10 | 1625-0035 |
| § 3.10 | 1625-0014 |
| Part 4 | 1625-0001 |
| Part 6 | 1625-0002 |

[CGD 88-033, 54 FR 50376, Dec. 6, 1989, as amended by USCG-2004-18884, 69 FR 58341, Sept. 30, 2004]

Subpart 1.03—Rights of Appeal

AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 46 U.S.C. 7701; 46 U.S.C. Chapter 93; Public Law 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 1070; § 1.01-35 also issued under the authority of 44 U.S.C. 3507.

§ 1.03-10 Definition of terms used in this subpart.

(a) The term *recognized classification society* means the American Bureau of Shipping or other classification society recognized by the Commandant.

(b) The term *new vessel* means:

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(1) For vessels which require a Certificate of Inspection, a new vessel is a vessel which has not received an initial Certificate of Inspection.

(2) For vessels which do not require a Certificate of Inspection, a new vessel is a vessel which has not received a Load Line assignment.

(c) The term *existing vessel* means a vessel which is not a new vessel.

§ 1.03-15 General.

(a) Any person directly affected by a decision or action taken under this chapter or under chapter III of this title, by or on behalf of the Coast Guard, except for matters covered by subpart J of part 5 of this chapter dealing with suspension-and-revocation hearings, shall follow the procedures contained in this section when requesting that the decision or action be reviewed, set aside, or revised.

(b) When requesting that a decision or action be reconsidered or reviewed, as may be required by this subpart, such request must be made within 30 days after the decision is rendered or the action is taken.

(c) When making a formal appeal of a decision or action, as permitted by this subpart, such appeal must be submitted in writing and received by the authority to whom the appeal is required to be made within 30 days after the decision or action being appealed, or within 30 days after the last administrative action required by this subpart. Upon written request and for good cause, the 30 day time limit may be extended by the authority to whom the appeal is required to be made.

(d) A formal appeal must contain a description of the decision or action being appealed and the appellant's reason(s) why the decision or action should be set aside or revised.

(e) When considering an appeal, the Commandant or a District Commander may stay the effect of a decision or action being appealed pending determination of the appeal.

(f) While a request for reconsideration or review or a formal appeal is pending, the original decision or action remains in effect, unless otherwise stayed under paragraph (e) of this section.

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(g) The Commandant may delegate authority to act on administrative appeals under this subpart to the Assistant Commandant for Marine Safety and Environmental Protection, and appropriate office chiefs within Marine Safety and Environmental Protection.

(h) Formal appeals made to the Commandant shall be addressed to:

(1) Commandant (CG-CVC) for appeals involving vessel inspection issues, load line issues, and vessel manning issues;

(2) Commandant (CG-5PS) for appeals involving vessel plan review or tonnage measurement issues;

(3) Commandant (CG-54) for all appeals involving suspension or withdrawal of course approvals, all marine personnel issues appealed from the National Maritime Center or from an OCMI through a District Commander, and all appeals regarding the documentation of a vessel under part 67 or part 68 of this title. All appeals regarding the documentation of a vessel under part 67 or part 68 of this title must be addressed to Commandant (CG-5PC), Attn: Director of Inspections and Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501, and a copy of each such appeal must be sent to the National Vessel Documentation Center, 792 T J Jackson Drive; Falling Waters, WV 25419;

(4) Commandant (CG-ENG), for appeals involving the recognition of a classification society; or

(5) Commandant (CG-5PW) for appeals involving decisions or actions of the Director, Great Lakes Pilotage.

(i) Failure to submit a formal appeal in accordance with the procedures and time limits contained in this subpart results in the decision or action becoming final agency action.

(j) Any decision made by the Commandant, or by the Deputy for Operations Policy and Capabilities (CG-DCO-D), or by an office chief pursuant to authority delegated by the Commandant is final agency action on the appeal.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.03-15, see the List of CFR Sections Affected, which appears in the

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Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 1.03-20 Appeals from decisions or actions of an OCMI.

Any person directly affected by a decision or action of an OCMI may, after requesting reconsideration of the decision or action by the cognizant OCMI, make a formal appeal of that decision or action, via the office of the cognizant OCMI, to the District Commander of the district in which the office of the cognizant OCMI is located, or in the case of the Officer in Charge, Activities Europe, to the Atlantic Area Commander, in accordance with the procedures contained in §1.03-15 of this subpart.

[USCG-2006-24520, 71 FR 35818, June 22, 2006]

§ 1.03-25 Appeals from decisions or actions of a District Commander.

Any person directly affected by a decision or action of a District Commander made pursuant to §1.03-20 of this subpart, may make a formal appeal of that decision or action, via the office of the cognizant District Commander, to the Commandant, in accordance with the procedures contained in §1.03-15 of this subpart.

§ 1.03-30 Appeals from decisions or actions of the Marine Safety Center.

(a) Any person directly affected by a decision or action of the Marine Safety Center involving tonnage measurement or which otherwise affects a new vessel or plans for a vessel to be built may, after requesting reconsideration of the decision or action by the Commanding Officer, Marine Safety Center, make a formal appeal, of that decision or action, via the Commanding Officer, Marine Safety Center, to the Commandant, in accordance with the procedures contained in §1.03-15 of this subpart.

(b) Any person directly affected by a decision or action of the Marine Safety Center not involving tonnage measurement but which otherwise affects an existing vessel, prior to initiating a formal appeal, must request review of that decision or action by the cognizant OCMI. Following review by the cognizant OCMI, the decision or action under review may be appealed to the

District Commander, in accordance with the procedures contained in §1.03-20 of this subpart.

[CGD 97-057, 62 FR 51040, Sept. 30, 1997, as amended by USCG-1998-4442, 63 FR 52188, Sept. 30, 1998]

§ 1.03-35 Appeals from decisions or actions of a recognized classification society acting on behalf of the Coast Guard.

(a) Any person directly affected by a decision or action of a recognized classification society performing plan review, tonnage measurement, or load line assignment on behalf of the Coast Guard may, after requesting reconsideration of the decision or action by the classification society, make a formal appeal, via the classification society headquarters, to the Commandant, in accordance with the procedures contained in §1.03-15 of this subpart.

(b) Any person directly affected by a decision or action of a recognized classification society acting as a marine inspector, as defined in §30.10-43 of this chapter, on behalf of the Coast Guard, prior to initiating a formal appeal, must request review of that decision or action by the cognizant OCMI. Following review by the cognizant OCMI, the decision or action under review may be appealed to the District Commander, in accordance with the procedures contained in §1.03-20 of this subpart.

[CGD 88-033, 54 FR 50376, Dec. 6, 1989, as amended by CGD 97-057, 62 FR 51041, Sept. 30, 1997]

§ 1.03-40 Appeals from decisions or actions of the National Maritime Center.

Any person directly affected by a decision or action of an officer or employee of the National Maritime Center (NMC) involving any of the marine safety functions listed in §1.01-15(c) of this subpart may, after requesting reconsideration of the decision or action by the NMC, make a formal appeal of that decision or action, via the NMC, to the Director of Inspections and Compliance (CG-5PC), in accordance with the procedures contained in §1.03-15 of this subpart. The decision of the Director of Inspections and Compliance (CG-

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5PC), on such an appeal will constitute final agency action.

[USCG-2006-25535, 71 FR 48482, Aug. 21, 2006. Redesignated by USCG-2006-25535, 72 FR 7930, Feb. 22, 2007; USCG-2008-0906, 73 FR 56507, Sept. 29, 2008; USCG-2013-0671, 78 FR 60144, Sept. 30, 2013]

EDITORIAL NOTE: At 77 FR 59772, Oct. 1, 2012, §1.03-40 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

§ 1.03-45 Appeals from decisions or actions involving documentation of vessels.

Any person directly affected by a decision or action of an officer or employee of the Coast Guard acting on or in regard to the documentation of a vessel under part 67 or part 68 of this title, may make a formal appeal of that decision or action to the Director of Inspections and Compliance (CG-5PC), in accordance with the procedures contained in §1.03-15 of this subpart. The decision of the Director of Inspections and Compliance (CG-5PC), on such an appeal will constitute final agency action.

[USCG-2006-25535, 72 FR 7930, Feb. 22, 2007, as amended by USCG-2008-0906, 73 FR 56507, Sept. 29, 2008; USCG-2013-0671, 78 FR 60144, Sept. 30, 2013]

§ 1.03-50 Appeals from decisions or actions of the Great Lakes Pilotage Division (CG-WWM-2).

Any person directly affected by a decision or action of the Great Lakes Pilotage Division (CG-WWM-2), may make a formal appeal of that decision or action to Commandant (CG-5P), in accordance with the procedures contained in §1.03-15 of this subpart.

[USCG 2003-15137, 68 FR 37093, June 23, 2003, as amended by USCG-2008-0906, 73 FR 56507, Sept. 29, 2008; USCG-2013-0671, 78 FR 60144, Sept. 30, 2013]

PART 2—VESSEL INSPECTIONS

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- 2.01-7 Classes of vessels (including motorboats) examined or inspected and certificated.
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