

## Coast Guard, DOT

## § 1.25–30

Chief, Office of Information Management, at the address in paragraph (a) of this section.

[CGD–73–54R, 38 FR 12396, May 11, 1973, as amended by CGD 96–026, 61 FR 33662, June 28, 1996]

### Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

AUTHORITY: 5 U.S.C. 301; 14 U.S.C. 632, 633, 49 U.S.C. 322; 49 CFR 1.46 and part 9.

#### § 1.20–1 Testimony by Coast Guard personnel and production of records.

(a) The regulations in 49 CFR part 9 apply to the testimony of Coast Guard personnel, production of Coast Guard records, and service of process in legal proceedings.

(b) Except for the acceptance of service of process or pleadings under paragraph (d) of this section and 49 CFR 9.19, the Legal Officer of each Maintenance and Logistics Command, each District Legal Officer, and the Legal Officer assigned to any other Coast Guard unit or command, for matters involving personnel assigned to their command, are delegated the functions of “agency counsel” described in 49 CFR part 9.

(c) A request for a member or employee of the Coast Guard to testify, or for permission to interview such a member or employee, should be made to the Legal officer serving the command to which that member or employee is assigned, or, if the member or employee is serving at Coast Guard Headquarters, or with a command receiving legal services from the Chief counsel, U.S. Coast Guard, to the Chief, Office of Claims and Litigation. Should the member or employee no longer be employed by the Coast Guard, and the testimony or information sought falls within the provisions of 49 CFR part 9, the request should be made to the District Legal Officer serving the geographic area where the former member or employee resides or, if no District Legal Officer has geographic responsibility, to the Chief, Office of Claims and Litigation.

(d) Process or pleadings in any legal proceeding concerning the Coast Guard may be served, at the option of the server, on the Chief Counsel or the Deputy Chief Counsel of the Coast Guard with the same effect as if served on the Commandant of the Coast Guard. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

(80 Stat. 383, as amended, sec. 1, 33 Stat. 1022, as amended, sec. 9, 80 Stat. 944; 5 U.S.C. 552, 14 U.S.C. 632, 633, 46 U.S.C. 375, 416, 49 U.S.C. 1657 (a) and (e); 49 CFR 1.46, and part 9)

[CGFR 71–30, 36 FR 8732, May 12, 1971, as amended by CGD 95–057, 60 FR 34150, June 30, 1995; USCG–1998–3799, 63 FR 35525, June 30, 1998]

### Subpart 1.25—Fees and Charges for Certain Records and Services

AUTHORITY: 5 U.S.C. 552; 14 U.S.C. 633; 49 CFR 1.46.

#### § 1.25–1 Purpose.

(a) The regulations in this subpart established fees and charges which shall be imposed by the Coast Guard for making copies or excerpts of information or records, and for issuing certain duplicate documents, certificates, or licenses.

(b) These fees and charges are imposed as required by Title V of the Independent Offices Appropriation Act of 1952 (Sec. 501, 65 Stat. 290, 31 U.S.C. 483a). This Act states that it is the sense of Congress that fees and charges shall be charged for services rendered the public by Federal agencies in order that such services may be performed on a self-sustaining basis to the fullest extent possible.

#### § 1.25–30 Exceptions.

(a) The general policies and instructions of the Bureau of the Budget specify when certain services as specifically described in this subpart will be furnished without charge.

(b) The fees and charges prescribed in this subpart are not applicable when requested by, or furnished to, the following persons, or under the following circumstances:

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(1) A person who donated the original document.

(2) A person who has an official, voluntary or cooperative relationship to the Coast Guard in rendering services promoting safety of life and property.

(3) Any agency, corporation or branch of the Federal Government.

(4) A person found guilty by an administrative law judge receives one copy of the transcript of the hearing if he:

(i) Files a notice of appeal, under 46 CFR 5.30-1; and

(ii) Requests a copy of the transcript.

(5) A person who has been required to furnish personal documents retained by the Coast Guard.

(6) For other exceptions see 49 CFR 7.97.

(31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGFR 67-13, 32 FR 11211, Aug. 2, 1967, as amended by CGD 76-124, 42 FR 23507, May 9, 1977]

## § 1.25-40 Fees for services for the public.

The fees for services performed for the public, as prescribed in sections 552(a) (2) and (3) of title 5, United States Code, by the Department of Transportation are in subpart I of title 49, Code of Federal Regulations. The fee schedule for these services is contained in 49 CFR 7.95. The applicable fees are imposed and collected by the Coast Guard as prescribed in 49 CFR 7.93.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972; 37 FR 21481, Oct. 12, 1972, as amended by 40 FR 23743, June 2, 1975; CGD 77-065, 42 FR 31169, June 20, 1977; CGD 89-085, 55 FR 23930, June 13, 1990; CGD 91-002, 58 FR 15236, Mar. 19, 1993]

## § 1.25-45 Special admeasurement services.

If an admeasurer is assigned to measure or certify the tonnage of a vessel at the request of the owner thereof at a place other than a port of entry, a custom station, or port where an officer-in-charge, marine inspection, is lo-

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cated, the owner shall pay the admeasurer's:

(a) Pay based on the hourly rate for the grade or level of position held or the daily military compensation rate, as appropriate;

(b) Travel expense based on the estimated cost of travel from and return to the nearest port of entry, customs station, or office of an officer-in-charge, marine inspection; and

(c) Daily subsistence expense from the time he leaves his official duty station until he returns thereto.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20166, Sept. 27, 1972]

## § 1.25-48 Oceanographic research.

(a) Each person allowed by the Coast Guard to join a Coast Guard voyage for the purpose of oceanographic research is charged the cost of each meal that he consumes while on board the Coast Guard vessel.

(b) The person, company, association, or government agency engaging a Coast Guard vessel for an oceanographic research study is charged the daily cost of operating the vessel.

(Title V, 65 Stat. 268, 290; sec. 6(b)(1), 80 Stat. 937; 31 U.S.C. 483a; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[CGD 72-62R, 37 FR 20167, Sept. 27, 1972]

## § 1.25-80 Payment of fees, charges or sales.

(a) The payment of fees and charges must be made by postal money order or check payable to the "Treasurer of the United States" or "U.S. Coast Guard," and sent to the office of the Coast Guard performing the service or furnishing or delivering the record, document, or certificate. If copy is to be transmitted by registered, air, or special delivery mail, postal fees therefor will be added to fees provided in this subpart (or the order must include postage stamps or stamped return envelopes).

(b) The fee is payable in advance.

[CGFR 67-13, 32 FR 11211, Aug. 2, 1967]