

Coast Guard, DOT

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(c) Upon the satisfactory completion of the Coast Guard's evaluation of a request for authorization, the organization will be visited for an evaluation as described in § 96.440(b) of this part.

§ 96.440 How will the Coast Guard decide whether to approve an organization's request to be authorized?

(a) First, the Coast Guard will evaluate the organization's request for authorization and supporting written materials, looking for evidence of the following—

- (1) The organization's clear assignment of management duties;
- (2) Ethical standards for managers and auditors;
- (3) Procedures for auditor training, qualification, certification, and re-qualification that are consistent with recognized industry standards;
- (4) Procedures for auditing safety management systems that are consistent with recognized industry standards and IMO Resolution A.788(19);
- (5) Acceptable standards for internal auditing and management review;
- (6) Record-keeping standards for safety management auditing and certification;
- (7) Methods for reporting non-conformities and recording completion of remedial actions;
- (8) Methods for certifying safety management systems;
- (9) Methods for periodic and intermediate audits of safety management systems;
- (10) Methods for renewal audits of safety management systems;
- (11) Methods for handling appeals; and
- (12) Overall procedures consistent with IMO Resolution A.739(18), "Guidelines for the Authorization of Organizations Acting on Behalf of the Administration."

(b) After a favorable evaluation of the organization's written request, the Coast Guard will arrange to visit the organization's corporate offices and port offices for an on-site evaluation of operations.

(c) When a request is approved, the recognized organization and the Coast Guard will enter into a written agreement. This agreement will define the scope, terms, conditions and require-

ments of the authorization. Conditions of this agreement are found in § 96.460 of this part.

§ 96.450 What happens if the Coast Guard disapproves an organization's request to be authorized?

(a) The Coast Guard will write to the organization explaining why it did not meet the criteria for authorization.

(b) The organization may then correct the deficiencies and reapply.

§ 96.460 How will I know what the Coast Guard requires of my organization if my organization receives authorization?

(a) Your organization will enter into a written agreement with the Coast Guard. This written agreement will specify—

- (1) How long the authorization is valid;
 - (2) Which duties and responsibilities the organization may perform, and which certificates it may issue on behalf of the U.S.;
 - (3) Reports and information the organization must send to the Commandant (G-MOC);
 - (4) Actions the organization must take to renew the agreement when it expires; and
 - (5) Actions the organization must take if the Coast Guard should revoke its authorization or recognition under 46 CFR part 8.
- (b) [Reserved]

§ 96.470 How does the Coast Guard terminate an organization's authorization?

At least every 12 months, the Coast Guard evaluates organizations authorized under this subpart. If an organization fails to maintain acceptable standards, the Coast Guard may terminate that organization's authorization, remove the organization from the Commandant's list of recognized organizations, and further evaluate the organization's recognition under 46 CFR part 8.

§ 96.480 What is the status of a certificate if the issuing organization has its authority terminated?

Any certificate issued by an organization authorized by the Coast Guard

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whose authorization is later terminated remains valid until—

- (a) Its original expiration date,
- (b) The date of the next periodic audit required to maintain the certificate's validity, or
- (c) Whichever of paragraphs (a) or (b) occurs first.

§ 96.490 What further obligations exist for an organization if the Coast Guard terminates its authorization?

The written agreement by which an organization receives authorization from the Coast Guard places it under certain obligations if the Coast Guard revokes that authorization. The organization agrees to send written notice of its termination to all responsible persons, companies and vessels that have received certificates from the organization. In that notice, the organization must include—

- (a) A written statement explaining why the organization's authorization was terminated by the Coast Guard;
- (b) An explanation of the status of issued certificates;
- (c) A current list of organizations authorized by the Coast Guard to conduct safety management audits; and
- (d) A statement of what the companies and vessels must do to have their

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safety management systems transferred to another organization authorized to act on behalf of the U.S.

§ 96.495 How can I appeal a decision made by an authorized organization?

(a) A responsible person may appeal a decision made by an authorized organization by mailing or delivering to the organization a written request for reconsideration. Within 30 days of receiving your request, the authorized organization must rule on it and send you a written response. They must also send a copy of their response to the Commandant (G-MOC).

(b) If you are not satisfied with the organization's decision, you may appeal directly to the Commandant (G-MOC). You must make your appeal in writing, including any documentation and evidence you wish to be considered. You may ask the Commandant (G-MOC) to stay the effect of the appealed decision while it is under review.

(c) The Commandant (G-MOC) will make a decision on your appeal and send you a response in writing. That decision will be the final Coast Guard action on your request.