

Coast Guard, DHS

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accidents; investigations of violations of law; negligence, misconduct, unskillfulness, incompetence or misbehavior of persons holding licenses, certificates, or documents issued by the Coast Guard; initiations of actions seeking suspension or revocation under 46 U.S.C. chapter 77 of licenses, certificates and documents 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.

NOTE: Licensing and Certification functions are performed only by the Officer in Charge, Marine Inspection, at the following locations:

Boston, MA
New York, NY
Baltimore, MD
Charleston, SC
Miami, FL
New Orleans, LA
Houston, TX
Memphis, TN
St. Louis, MO
Toledo, OH
San Pedro, CA
San Francisco, CA
Portland, OR
Seattle, WA
Anchorage, AK
Juneau, AK
Honolulu, HI

Where the term *Officer in Charge, Marine Inspection, Marine Inspection Office, or Marine Safety Office* is used within the context of parts 10 or 12 of this chapter, it is understood to mean that particular *Officer or Office* at one of the above listed locations.

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

[CGD 88-033, 54 FR 50376, Dec. 6, 1989, as amended by CGD 97-057, 62 FR 51040, Sept. 30, 1997; USCG-2000-7790, 65 FR 58457, Sept. 29, 2000]

§ 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;

(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) The general course and method by which the functions (other than those dealing with suspension and revocation of licenses, certificates, or documents described in paragraph (c) of this section) concerning marine safety activities are channeled, begins with the Officer in Charge, Marine Inspection, at the local Marine Safety 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

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Chief of one of the offices within Marine Safety and Environmental Protection at Headquarters. In most administrative cases the channel ends at this point; however, on matters of policy and other appropriate cases, the course continues to the Assistant Commandant for Marine Safety and Environmental Protection, and then to the Commandant, whose decisions are final.

(c) In proceedings involving the suspension or revocation of a Coast Guard license, certificate or document 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 bringing of charges and specifications against the holder of the Coast Guard license, certificate or document. A Coast Guard Investigating Officer under the supervision of an Officer in Charge, Marine Inspection, or an Officer in Charge, Marine Inspection causes the charges and specifications to be served on the person described therein (person charged) who is a holder of a Coast Guard license, certificate or document. At a hearing the Coast Guard submits evidence to support the charges and specifications, while the person charged 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 person charged.

(i) In a case where an appeal is made by the person charged, the notice of appeal is filed with the Administrative Law Judge who heard the case or with any Officer in Charge, Marine Inspection, for forwarding to such Administrative Law Judge.

(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]

§ 1.01-30 Judicial review.

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