

[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:

(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.

(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 (G–MOC) for appeals involving vessel inspection issues, load line issues, and vessel manning issues;

(2) Commandant (G–MS) for appeals involving vessel plan review or tonnage measurement issues;

(3) Commanding Officer, National Maritime Center, for appeals involving vessel documentation issues, marine personnel issues, including medical waivers, and suspension or withdrawal of course approvals; or

(4) Commandant (G–MSE) for appeals involving the recognition of a classification society.

(5) Commandant (G–M) 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 Assistant Commandant for Marine Safety and Environmental Protection, or by an office chief pursuant to authority delegated