

(b) The Commandant (G–P) or the MARAD Administrator will publish a notice of public hearings or meetings in the FEDERAL REGISTER, and will mail or deliver a copy of the notice to the applicant, to each adjacent coastal State, and to all who request a copy.

(c) Anyone may attend a public hearing or meeting and provide relevant oral or written information. The presiding officer may limit the time for providing oral information.

**§ 148.227 How is a public hearing or meeting reported?**

(a) After completion of a public hearing or meeting, the presiding officer forwards a report on the hearing or meeting to the Commandant (G–P) for docketing.

(b) The report must contain at least:

- (1) An overview of the factual issues addressed;
- (2) A transcript or recording of the hearing or meeting; and
- (3) A copy of all material submitted to the presiding officer.

(c) During the hearing or meeting, the presiding officer announces the information that the report must contain.

FORMAL HEARINGS

**§ 148.228 What if a formal evidentiary hearing is necessary?**

(a) After all public meetings under § 148.222 of this part are concluded, the Commandant (G–PSO), in coordination with the MARAD Administrator, will consider whether there are one or more specific and material factual issues that may be resolved by a formal evidentiary hearing.

(b) If the Commandant (G–PSO), in coordination with the MARAD Administrator, determines that one or more issues under paragraph (a) of this section exist, the Coast Guard will hold at least one formal evidentiary hearing under 5 U.S.C. 554 in the District of Columbia.

(c) The Commandant (G–PSO) files a request for assignment of an administrative law judge (ALJ) with the ALJ Docketing Center. The Chief ALJ designates an ALJ or other person to conduct the hearing.

(d) The recommended findings and the record developed in a hearing under

paragraph (b) of this section are considered by the MARAD Administrator in deciding whether to approve or deny a license.

**§ 148.230 How is notice of a formal hearing given?**

(a) The Commandant (G–P) publishes a notice of the hearing in the FEDERAL REGISTER and sends a notice of the hearing to the applicant, to each adjacent coastal State, and to each person who requests such a notice.

(b) The notice of the hearing includes the applicant's name, the name of the ALJ assigned to conduct the hearing, a list of the factual issues to be resolved, the address where documents are to be filed, and the address where a copy of the rules of practice, procedure, and evidence to be used at the hearing is available.

**§ 148.232 What are the rules for a formal hearing?**

(a) The Commandant (G–P) determines the rules for each formal hearing. Unless otherwise specified in this part, the Commandant (G–P) applies the rules of practice, procedure, and evidence in part 20 of this chapter.

(b) The Commandant (G–P) sends a written copy of the procedure to the applicant, each person intervening in the proceedings, and each person who requests a copy.

**§ 148.234 What are the limits of an Administrative Law Judge (ALJ)'s jurisdiction?**

(a) An ALJ's jurisdiction begins upon assignment to a proceeding.

(b) An ALJ's jurisdiction ends after the recommended findings are filed with the Commandant (G–P) or immediately after the ALJ issues a notice of withdrawal from the proceeding.

**§ 148.236 What authority does an Administrative Law Judge (ALJ) have?**

When assigned to a formal hearing, an ALJ may:

- (a) Administer oaths and affirmations;
- (b) Issue subpoenas;
- (c) Issue rules of procedure for written evidence;
- (d) Rule on offers of proof and receive evidence;