

FACILITY INSPECTION REQUIREMENTS

RIGHTS OF APPEAL

33 Code of Federal Regulations Subpart 101.420; 127.015; 154.1075; 160.7

Any person directly affected by a decision, action, order, or direction of a COTP may request reconsideration by the COTP. Any person not satisfied with the COTP's decision following the request for reconsideration may make a formal appeal. Appeal procedures vary by Subpart and general provisions are outlined below. Specific procedures for each Subpart can be found through <https://www.ecfr.gov/>, and should be consulted prior to filing an appeal.

33 CFR 101.420: Any person directly affected by a decision or action taken by a COTP under this subchapter, may appeal that action or decision to the cognizant District Commander. Any person directly affected by a decision or action taken by a District Commander may appeal that decision or action to the Commandant (CG-5P).

33 CFR 127.015: Any person not satisfied with a ruling by the COTP may appeal the ruling to the District Commander of the district in which the action was taken. Any person not satisfied with the ruling of the District Commander may appeal that ruling in writing to the Commandant (CG-5P).

33 CFR 154.1075: Within 10 days of the COTP's decision on a request for reconsideration, the facility owner or operator may appeal the decision of the COTP to the District Commander. Within 30 days of the District Commander's decision, the facility owner or operator may formally appeal the decision of the District Commander to Commandant (CG-MER) via the District Commander.

33 CFR 160.7: Any person directly affected by an order or direction issued by, or on behalf of, a Captain of the Port may appeal to the District Commander through the Captain of the Port. Any person directly affected by an order or direction issued by, or on behalf of, a District Commander, or who receives an unfavorable ruling on an appeal may appeal to the Area Commander through the District Commander. Any person who receives an unfavorable ruling on an appeal taken by the Area Commander may appeal to the Commandant (CG-5P).

In all instances action by Commandant is final agency action. Failure to submit a formal appeal in accordance with procedures and time limits in the applicable regulatory cite results in the decision, action, order or direction becoming final agency action.