



U.S. Department
of Transportation
**Maritime
Administration**

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES MAO 560-7
Dated 4/27/78

NO. 560-7

EFFECTIVE DATE
December 23, 1988

SUBJECT

APPROVAL OF APPLICATIONS UNDER SECTION 805(a)
MERCHANT MARINE ACT, 1936, AS AMENDED

Section 1. Purpose:

This order prescribes responsibilities and procedures for processing applications submitted to the Maritime Subsidy Board/Maritime Administration pursuant to the provisions of Section 805(a), Merchant Marine Act, 1936, as amended.

Section 2. Filing Applications:

2.01 An applicant under section 805(a) will file an application (sixteen copies, including three originals) with the Secretary, Maritime Subsidy Board/Maritime Administration, in accordance with the provisions of 46 CFR Part 380.2.

2.02 Applications filed under section 805(a) shall be referred by the Secretary to the Director, Office of Trade Analysis and Insurance, for action.

Section 3. Public Notice:

The Director, Office of Trade Analysis and Insurance, shall prepare a notice concerning the application for publication in the Federal Register, in accordance with the provisions of 46 CFR Part 380, which notice, after clearance by the Chief Counsel, shall be forwarded to the Secretary, Maritime Subsidy Board/Maritime Administration, for submittal to the Office of the Federal Register.

Section 4. Procedure and Responsibilities:

4.01 The Secretary shall forward to the Director, Office of Trade Analysis and Insurance, all correspondence received subsequent to publication of the notice in the Federal Register.

4.02 The Director, Office of Trade Analysis and Insurance, in collaboration with the Chief Counsel shall:

- 1 Review petitions for leave to intervene which are received within the time specified in the notice.
- 2 Make determinations as to whether the petitions demonstrate sufficient interest to warrant a hearing.

4.03 If it is determined that there are petitions which warrant a hearing:

- 1 The Director, Office of Trade Analysis and Insurance, shall prepare and submit through the Secretary, together with all documents, an appropriate recommendation to that effect for consideration by the Maritime Subsidy Board/Maritime Administrator.
- 2 The Secretary shall make the necessary arrangements for a hearing by either the Maritime Administrator (or his/her delegatee) on matters under his/her jurisdiction; or by the Maritime Subsidy Board (or its delegatee) for actions within its cognizance. In the event a Law Judge is designated by the Maritime Administrator or the Maritime Subsidy Board to conduct the hearing, the documents pertaining to the hearing shall be transmitted by the Secretary to his/her office.

4.04 Upon receipt of the application and related documents in cases where no hearing is held, the Director, Office of Trade Analysis and Insurance, shall prepare a recommendation on such application either (1) for action by the Associate Administrator for Maritime Aids, if it is within his/her delegated authority as set forth in Maritime Administrative Order 50-1, or (2) over the signature of the Director, Office of Trade Analysis and Insurance, for action by the Maritime Subsidy Board/Maritime Administrator, as appropriate. Such recommendation shall be accompanied by discussion of all aspects of the application including administrative considerations other than the issues specified in the statute.

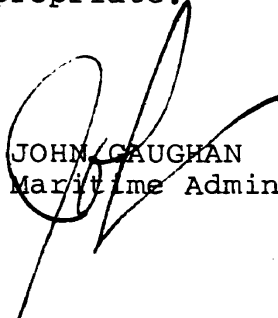
4.05 Upon conclusion of any hearing held pursuant to section 4.03, the parties shall file briefs and/or proposed findings of fact in accordance with 46 CFR Part 201.155 of the Maritime Subsidy Board's Rules of Practice and Procedure; the presiding officer shall issue an initial or recommended decision based upon the record for decision as defined in 46 CFR Part 201.150, and thereafter exceptions and briefs in support thereof and in reply thereto may be filed by the opposing parties in accordance with 46 CFR Part 201.161. The Maritime Administrator and/or Maritime Subsidy Board will issue a final decision based on the exclusive record of the proceeding as defined in 46 CFR Part 201.150 of the Board's Rule of Practice.

4.06 Written notice of the final action of the Maritime Subsidy Board/Maritime Administrator shall be sent to the applicant and intervenors by the Secretary or the Director, Office of Trade Analysis and Insurance, as appropriate.

Section 5. Exception to Procedure:

5.01 The Maritime Subsidy Board or the Maritime Administrator may dispense with the publication of notice in the Federal Register when not inconsistent with applicable laws.

5.02 Recommendations to dispense with publication of notice shall be prepared by the Director, Office of Trade Analysis and Insurance, subject to prior clearance by the Chief Counsel, for the approval of the Maritime Administrator or Maritime Subsidy Board, as appropriate.



JOHN CAUGHAN
Maritime Administrator