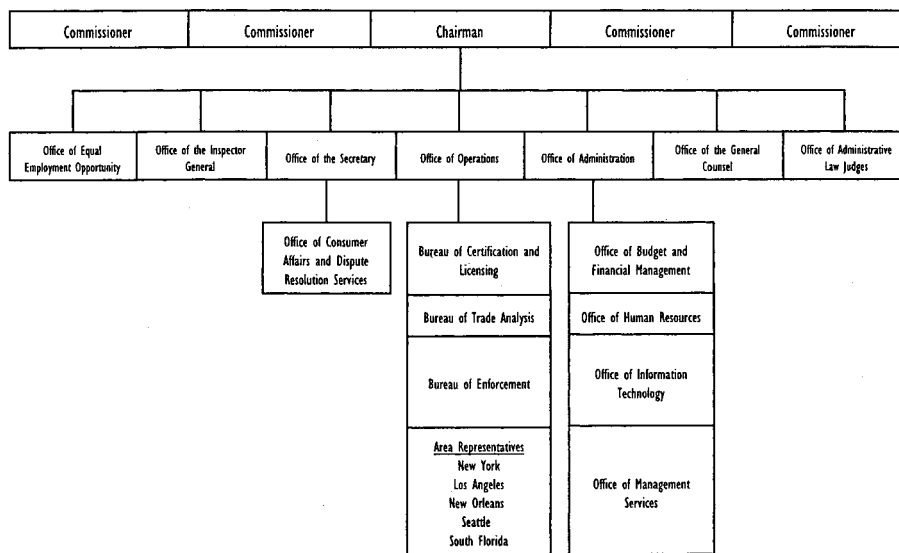


APPENDIX A TO PART 501—FEDERAL MARITIME COMMISSION ORGANIZATION CHART

APPENDIX A TO PART 501

FEDERAL MARITIME COMMISSION
ORGANIZATION CHART



PART 502—RULES OF PRACTICE AND PROCEDURE

Subpart A—General Information

- Sec.
- 502.1 Scope of rules in this part.
- 502.2 Filing of documents; hours; mailing address.
- 502.3 Compliance with rules or orders of Commission.
- 502.4 Authentication of rules or orders of Commission.
- 502.5–502.6 [Reserved]
- 502.7 Documents in foreign languages.
- 502.8 Denial of applications and notice thereof.
- 502.9 Suspension, amendment, etc., of rules in this part.
- 502.10 Waiver of rules in this part.
- 502.11 Ex parte communications.
- 502.12 Applicability of Federal Rules of Civil Procedure.

Subpart B—Appearance and Practice Before the Commission

- 502.21 Appearance.
 - 502.22 Authority for representation.
 - 502.23 Notice of appearance; substitution and withdrawal of representative.
 - 502.24 Practice before the Commission defined.
 - 502.25 Presiding officer defined.
 - 502.26 Attorneys at law.
 - 502.27 Persons not attorneys at law.
 - 502.29 Hearings.
 - 502.30 Suspension or disbarment.
 - 502.31 Statement of interest.
 - 502.32 Former employees.
- EXHIBIT NO. 1 TO SUBPART B [§§ 502.23, 502.26, 502.27]—NOTICE OF APPEARANCE

Subpart C—Parties

- 502.41 Parties; how designated.
- 502.42 Bureau of Enforcement.
- 502.43 Substitution of parties.
- 502.44 Necessary and proper parties in certain complaint proceedings.

Subpart D—Rulemaking

- 502.51 Initiation of procedure to issue, amend, or repeal a rule.
- 502.52 Notice of proposed rulemaking.
- 502.53 Participation in rulemaking.
- 502.54 Contents of rules.
- 502.55 Effective date of rules.
- 502.56 Negotiated rulemaking.

Subpart E—Proceedings; Pleadings; Motions; Replies

- 502.61 Proceedings.
- 502.62 Complaints and fee.
- 502.63 Statute of limitations for reparations.
- 502.64 Answer to complaint; counter-complaint.
- 502.65 Replies to answers not permitted.
- 502.66 Order to show cause.
- 502.67 Exemption procedures—General.
- 502.68 Declaratory orders and fee.
- 502.69 Petitions—General and fee.
- 502.70 Amendments or supplements to pleadings.
- 502.71 Motions for more definite statement.
- 502.72 Petition for leave to intervene.
- 502.73 Motions.
- 502.74 Replies to pleadings, motions, applications, etc.
- 502.75 Proceedings involving assessment agreements.
- 502.76 Brief of an amicus curiae.
- EXHIBIT NO. 1 TO SUBPART E [§502.62]—COMPLAINT FORM AND INFORMATION CHECKLIST
- EXHIBIT NO. 2 TO SUBPART E [§502.64]—ANSWER TO COMPLAINT
- EXHIBIT NO. 3 TO SUBPART E [§502.72]—PETITION FOR LEAVE TO INTERVENE

Subpart F—Settlement; Prehearing Procedure

- 502.91 Opportunity for informal settlement.
- 502.92 [Reserved]
- 502.94 Prehearing conference.
- 502.95 Prehearing statements.
- EXHIBIT NO. 1 TO SUBPART F [§502.92] [RESERVED]

Subpart G—Time

- 502.101 Computation.
- 502.102 Enlargement of time to file documents.
- 502.103 Reduction of time to file documents.
- 502.104 Postponement of hearing.
- 502.105 Waiver of rules governing enlargements of time and postponements of hearings.

Subpart H—Form, Execution, and Service of Documents

- 502.111 Form and appearance of documents filed with Commission.

- 502.112 Verification of documents.
- 502.113 Service by the Commission.
- 502.114 Service by parties of pleadings and other documents.
- 502.115 Service on attorney or other representative.
- 502.116 Date of service.
- 502.117 Certificate of service.
- 502.118 Copies of documents for use of the Commission.
- 502.119 Documents containing confidential materials.

Subpart I—Subpenas

- 502.131 Requests; issuance.
- 502.132 Motions to quash or modify.
- 502.133 Attendance and mileage fees.
- 502.134 Service of subpenas.
- 502.135 Subpena of Commission staff personnel, documents or things.
- 502.136 Enforcement.

Subpart J—Hearings; Presiding Officers; Evidence

- 502.141 Hearings not required by statute.
- 502.142 Hearings required by statute.
- 502.143 Notice of nature of hearing, jurisdiction and issues.
- 502.144 Notice of time and place of hearing; postponement of hearing.
- 502.145 Presiding officer.
- 502.146 Commencement of functions of Office of Administrative Law Judges.
- 502.147 Functions and powers.
- 502.148 Consolidation of proceedings.
- 502.149 Disqualification of presiding or participating officer.
- 502.150 Further evidence required by presiding officer during hearing.
- 502.151 Exceptions to rulings of presiding officer unnecessary.
- 502.152 Offer of proof.
- 502.153 Appeal from ruling of presiding officer other than orders of dismissal in whole or in part.
- 502.154 Rights of parties as to presentation of evidence.
- 502.155 Burden of proof.
- 502.156 Evidence admissible.
- 502.157 Written evidence.
- 502.158 Documents containing matter not material.
- 502.159 [Reserved]
- 502.160 Records in other proceedings.
- 502.161 Commission's files.
- 502.162 Stipulations.
- 502.163 Receipt of documents after hearing.
- 502.164 Oral argument at hearings.
- 502.165 Official transcript.
- 502.166 Corrections of transcript.
- 502.167 Objection to public disclosure of information.
- 502.168 Copies of data or evidence.
- 502.169 Record of decision.

Subpart K—Shortened Procedure

- 502.181 Selection of cases for shortened procedure; consent required.
- 502.182 Complaint and memorandum of facts and arguments and filing fee.
- 502.183 Respondent's answering memorandum.
- 502.184 Complainant's memorandum in reply.
- 502.185 Service of memoranda upon and by interveners.
- 502.186 Contents of memoranda.
- 502.187 Procedure after filing of memoranda.

Subpart L—Depositions, Written Interrogatories, and Discovery

- 502.201 General provisions governing discovery.
- 502.202 Persons before whom depositions may be taken.
- 502.203 Depositions upon oral examination.
- 502.204 Depositions upon written interrogatories.
- 502.205 Interrogatories to parties.
- 502.206 Production of documents and things and entry upon land for inspection and other purposes.
- 502.207 Requests for admission.
- 502.208 Use of discovery procedures directed to Commission staff personnel.
- 502.209 Use of depositions at hearings.
- 502.210 Refusal to comply with orders to answer or produce documents; sanctions; enforcement.

Subpart M—Briefs; Requests for Findings; Decisions; Exceptions

- 502.221 Briefs; requests for findings.
- 502.222 Requests for enlargement of time for filing briefs.
- 502.223 Decisions—Administrative law judges.
- 502.224 Separation of functions.
- 502.225 Decisions—Commission.
- 502.226 Decision based on official notice; public documents.
- 502.227 Exceptions to decisions or orders of dismissal of administrative law judges; replies thereto; and review of decisions or orders of dismissal by Commission.
- 502.228 Request for enlargement of time for filing exceptions and replies thereto.
- 502.229 Certification of record by presiding or other officer.
- 502.230 Reopening by presiding officer or Commission.

Subpart N—Oral Argument; Submission for Final Decision

- 502.241 Oral argument.
- 502.242 Submission to Commission for final decision.
- 502.243 Participation of absent Commissioner.

Subpart O—Reparation

- 502.251 Proof on award of reparation.
- 502.252 Reparation statements.
- 502.253 Interest in reparation proceedings.
- 502.254 Attorney's fees in reparation proceedings.

EXHIBIT No. 1 TO SUBPART O [§ 502.252]—REPARATION STATEMENT TO BE FILED PURSUANT TO RULE 252

Subpart P—Reconsideration of Proceedings

- 502.261 Petitions for reconsideration and stay.
- 502.262 Reply to petition for reconsideration or stay.

Subpart Q—Refund or Waiver of Freight Charges

- 502.271 Special docket application for permission to refund or waive freight charges.

EXHIBIT No. 1 TO SUBPART Q [§ 502.271(d)]—APPLICATION FOR REFUND OR WAIVER OF FREIGHT CHARGES DUE TO TARIFF ON QUOTING ERROR

Subpart R—Nonadjudicatory Investigations

- 502.281 Investigational policy.
- 502.282 Initiation of investigations.
- 502.283 Order of investigation.
- 502.284 By whom conducted.
- 502.285 Investigational hearings.
- 502.286 Compulsory process.
- 502.287 Depositions.
- 502.288 Reports.
- 502.289 Noncompliance with investigational process.
- 502.290 Rights of witness.
- 502.291 Nonpublic proceedings.

Subpart S—Informal Procedure for Adjudication of Small Claims

- 502.301 Statement of policy.
- 502.302 Limitations of actions.
- 502.303 [Reserved]
- 502.304 Procedure and filing fee.
- 502.305 Applicability of other rules of this part.

EXHIBIT No. 1 TO SUBPART S [§ 502.304(a)]—SMALL CLAIM FORM FOR INFORMAL ADJUDICATION AND INFORMATION CHECKLIST

EXHIBIT No. 2 TO SUBPART S [§ 502.304(e)]—RESPONDENT'S CONSENT FORM FOR INFORMAL ADJUDICATION

Subpart T—Formal Procedure for Adjudication of Small Claims

- 502.311 Applicability.
- 502.312 Answer to complaint.
- 502.313 Reply of complainant.

§ 502.1

- 502.314 Additional information.
- 502.315 Request for oral hearing.
- 502.316 Intervention.
- 502.317 Oral argument.
- 502.318 Decision.
- 502.319 Date of service and computation of time.
- 502.320 Service.
- 502.321 Applicability of other rules of this part.

Subpart U—Alternative Dispute Resolution

- 502.401 Policy.
- 502.402 Definitions.
- 502.403 General authority.
- 502.404 Neutrals.
- 502.405 Confidentiality.
- 502.406 Arbitration.
- 502.407 Authority of the arbitrator.
- 502.408 Conduct of arbitration proceedings.
- 502.409 Arbitration awards.
- 502.410 Representation of parties.
- 502.411 Mediation and other alternative means of dispute resolution.

Subpart V—Implementation of the Equal Access to Justice Act in Commission Proceedings

- 502.501 General provisions.
- 502.502 Information required from applicants.
- 502.503 Procedures for considering petitions.

Subpart W—Compromise, Assessment, Mitigation, Settlement, and Collection of Civil Penalties

- 502.601 Purpose and scope.
- 502.602 Definitions.
- 502.603 Assessment of civil penalties: Procedure; criteria for determining amount; limitations; relation to compromise.
- 502.604 Compromise of penalties: Relation to assessment proceedings.
- 502.605 Payment of penalty: Method; default.

APPENDIX A TO SUBPART W—EXAMPLE OF COMPROMISE AGREEMENT TO BE USED UNDER 46 CFR 502.604

Subpart X—Paperwork Reduction Act

- 502.991 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561-569, 571-596; 5 U.S.C. 571-584; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817d, 817e, 1114(b), 1705, 1707-1711, 1713-1716; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964-1965 Comp. P. 306; 21 U.S.C. 853a; Pub. L. 105-258, 112 Stat. 1902.

SOURCE: 49 FR 44369, Nov. 6, 1984, unless otherwise noted.

46 CFR Ch. IV (10-1-06 Edition)

Subpart A—General Information

§ 502.1 Scope of rules in this part.

The rules in this part govern procedure before the Federal Maritime Commission, hereinafter referred to as the "Commission," under the Merchant Marine Act, 1920, Merchant Marine Act, 1936, Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998, Administrative Procedure Act, and related acts, except that subpart R of this part does not apply to proceedings subject to sections 7 and 8 of the Administrative Procedure Act, which are to be governed only by subparts A to Q inclusive, of this part. They shall be construed to secure the just, speedy, and inexpensive determination of every proceeding. To this end, all persons involved in proceedings conducted under the rules of this part shall be required to consider at an early stage of the proceeding whether resort to alternative dispute resolution techniques would be appropriate or useful. [Rule 1.]

[49 FR 44369, Nov. 6, 1984, as amended at 58 FR 38649, July 19, 1993; 64 FR 7807, Feb. 17, 1999]

§ 502.2 Filing of documents; hours; mailing address.

(a) For purposes of filing of documents with the Commission, the hours of the Commission are from 8:30 a.m. to 5:00 p.m., Monday to Friday, inclusive.

(b) Except for exhibits filed pursuant to § 502.118(b)(4) and petitions for review of final agency orders served on the Commission pursuant to 28 U.S.C. 2112(a), all documents required to be filed in, and correspondence relating to proceedings governed by this part should be addressed to *Secretary, Federal Maritime Commission, Washington, DC 20573-0001*. Petitions for review of final agency orders served on the Commission pursuant to 28 U.S.C. 2112(a) shall be addressed to *General Counsel, Office of the General Counsel, Federal Maritime Commission, Washington, DC 20573-0001*.

(c) Documents relating to any matter pending before the Commissioners for decision or to any matter pending before the Commission which is likely to