



US Department
of Transportation
Maritime
Administration

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES

MAO 200-2, dtd
12-24-80

NO.

200-2

EFFECTIVE DATE

January 31, 1990

SUBJECT

**REGULATIONS OF THE MARITIME ADMINISTRATION, THE MARITIME
SUBSIDY BOARD, AND THE NATIONAL SHIPPING AUTHORITY**

Section 1. Purpose:

This order establishes policies and assigns responsibilities for development, preparation, approval, and promulgation of regulations applicable to the public and relating to programs and activities of the Maritime Administration (MARAD), the Maritime Subsidy Board (MSB), and the National Shipping Authority (NSA).

Section 2. Related Directives:

5 U.S.C. 553	Administrative Procedure Act
5 U.S.C. 601 - 612	Regulatory Flexibility Act
44 U.S.C. Chapter 35	Paperwork Reduction Act of 1980
Executive Order 12291	Federal Regulation
Executive Order 12612	Federalism
5 CFR Part 1320	Controlling Paperwork Burdens on the Public
41 CFR 201-45.105	Directives Management
46 CFR Subpart F	Rule Making (Rule 6)
DOT Order 1120.49	Management of Consumer Programs
DOT Order 2100.2	Policy for Public Contacts in Rulemaking
DOT Order 2100.5	Policies and Procedures for Simplification, Analysis, and Review of Regulations
Maritime Administrative Order (MAO) 240-1	Processing Formal Recommendations to the Maritime Administrator, the Deputy Maritime Administrator, and the Maritime Subsidy Board
Maritime Administrative Order (MAO) 260-2	Publication of Documents in the <u>Federal Register</u>

Section 3. Policy and Applicability:

3.01 All regulations of the Maritime Administration, the Maritime Subsidy Board, and the National Shipping Authority shall be prepared and issued in accordance with the MARAD Regulations Manual and DOT Order 2100.5. The Regulations Manual prescribes procedures for all cognizant MARAD offices involved in the development and processing of regulations that are required to be published in the Federal Register and codified in Title 46, Code of Federal Regulations (CFR), as well as notices that are not codified.

3.02 The considerations and procedures outlined in DOT Order 2100.5, section 12, shall be controlling in the development and review of regulations.

3.03 Appropriate offices may issue supplemental documents (See Appendix II) to subsidized operators, general agents, ship managers and others outside the Government to clarify or explain regulations issued under this order. Each document shall contain an expiration date not to exceed two years following the date the document is issued. Supplemental documents that contain substantive or procedural requirements, of the type customarily included in a regulation, shall be incorporated promptly into an existing or new regulation.

3.04 The currently approved series of supplemental documents are those identified in Appendix II. The establishment of any new series of supplemental documents is subject to prior approval by the Maritime Administrator.

Section 4. Responsibilities:

4.01 The Maritime Administrator or the Maritime Subsidy Board, in accordance with their respective delegated authorities, shall approve and issue Maritime Administration/Maritime Subsidy Board regulations setting forth agency policy and prescribing rules and procedures applicable to the public.

4.02 The Director, NSA, through the Associate Administrator for Shipbuilding and Ship Operations and the Associate Administrator for Marketing, in accordance with their respective delegated authorities, shall approve and issue NSA regulations governing the activities of agents, ship managers,

Federal Port Controllers, and other parties to contracts with the United States in the areas of emergency ship operations and related activities, including, but not limited to fiscal and insurance matters, ship maintenance and repair activities, supply and acquisition procedures, and the utilization of port facilities.

4.03 The Office of the Chief Counsel shall:

- 1 Direct and coordinate all activities for the development, review, processing and publication of MARAD, MSB, and NSA regulations.
- 2 Assure that all offices having responsibilities associated with or affected by proposed regulations are afforded the opportunity to review proposed and final regulations prior to issuance.
- 3 Maintain a system for the numbering, by CFR citation, of MARAD, MSB, and NSA regulations, as well as a central index of such regulations and amendments.
- 4 Prepare, in accordance with OMB guidelines and instructions issued by the Office of the General Counsel, the agency's entry for the Department's Semi-annual Regulatory Agenda, which describes regulations under development or consideration.
- 5 Periodically issue revisions to appendices I and II of this order, with the concurrence of the Associate Administrator for Administration, in order to maintain currency of the appendices.

4.04 The office(s) with primary responsibility for administering the provisions of any regulation (See appendix I) shall be responsible for the continuing, systematic review of existing regulations (not less frequently than every two years) to ensure compliance with the policies set forth in Executive Order 12291, DOT Order 2100.5, and 41 CFR 201-45.105.

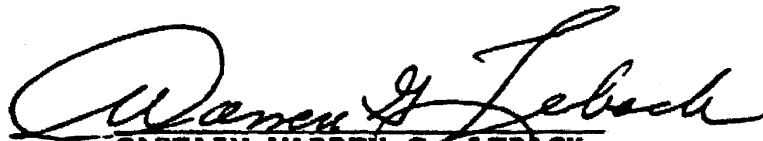
4.05 The Office of Management Services shall review all regulations and amendments: (1) which prescribe reports, forms, or recordkeeping requirements; (2) where internal organizational assignment of functions or staffing are affected; and (3) for impact on consumers pursuant to DOT Order 1120.49.

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Section 5. Procedure:

The Office of the Chief Counsel is authorized to issue, and to amend, as appropriate, with the concurrence of the Associate Administrator for Administration, a MARAD Regulations Manual.

That manual shall prescribe the procedures and requirements for development, preparation, approval, and promulgation of MARAD, MSB, and NSA regulations. These procedures and requirements shall be followed by all MARAD activities in carrying out their responsibilities with regard to regulations.


CAPTAIN WARREN G. LEBACK
Maritime Administrator

OFFICES WITH PRIMARY RESPONSIBILITY OR CO-RESPONSIBILITY
FOR MARITIME ADMINISTRATION/MARITIME SUBSIDY BOARD REGULATIONS

<u>46 CFR PART NO.</u>	<u>SUBJECT</u>	<u>RESPONSIBLE OFFICE(S)</u>
200	[Reserved]	
201	Rules of practice and procedure	Office of the Chief Counsel
202	Procedures relating to review by the Secretary of Transportation of actions by the Maritime Subsidy Board	Secretary, Maritime Administration/ Maritime Subsidy Board
204	Claims against the Maritime Administration under the Federal Tort Claims Act	Office of the Chief Counsel
205	Audit appeals; policy and procedure	Office of Financial Approvals
206, Subpart A	Miscellaneous fees; charges for special statistical data	Office of Trade Analysis and Insurance
206, Subpart B	charges for copies of regulations	Secretary, Maritime Administration/ Maritime Subsidy Board
206, Subpart C	Charges for processing applications	Office of Trade Analysis and Insurance
207	Statistical data for use in operating-differential subsidy application hearings	Office of Trade Analysis and Insurance
221	Regulated transactions involving documented vessels and other maritime interests	Office of Ship Operations/Office of the Chief Counsel/ Office of Accounting

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
221.4- 221.7	Documented vessels and other maritime- regulated transactions	Office of Ship Operations
221.8- 221.11	"	Office of the Chief Counsel
221.13	"	Office of Ship Operations
221.14	"	Office of Financial Approvals
221.16	"	Office of Ship Operations
221.21- 221.30	"	Office of Ship Operations/ Office of Financial Approvals
222	Statements, reports, and agreements required to be filed	Secretary, Maritime Administration/ Maritime Subsidy Board
222.2- 222.5	"	Office of Trade Analysis and Insurance
232	Uniform financial reporting requirements	Office of Financial Approvals

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
237	Repairs to vessels under bareboat charter	Office of Ship Operations
246	Formula for determining sea speed of vessels	Office of Ship Construction
250	Participation of vessels built with construction-differential subsidy in the carriage of oil from Alaska in the domestic trade	Office of Trade Analysis and Insurance/ Office of Financial Approvals
251	Applications for subsidies and other direct financial aid	Office of Financial Approvals
251.1- 251.31	"	Office of Trade Analysis and Insurance
252	Operating-differential subsidy for bulk cargo vessels operating in worldwide services	Office of Ship Operating Assistance/ Office of Financial Approvals
253	Requirements for maintaining boom lifting capacities and other features	Office of Ship Construction
262	Minimum-wage, minimum manning, and reasonable working conditions	Office of Maritime Labor and Training/Office of Ship Operating Assistance

46 CFR
PART NO.

BRIEF SUBJECT DESCRIPTION

RESPONSIBLE
OFFICE(S)

272	Policy and procedure regarding conducting of subsidy condition surveys and accomplishment of subsidized vessel maintenance and repairs	Office of Ship Operations/ Office of Ship Operating Assistance
275	Outfitting materials and equipment for construction-differential subsidy vessels	Office of Ship Construction
276	Construction-differential subsidy repayment	Office of Trade Analysis and Insurance/ Office of Financial Approvals
277	Domestic and Foreign Trade; Interpretations	Office of Trade Analysis and Insurance
278	Employment in the foreign trade of liquid and dry bulk vessels constructed with the aid of construction-differential subsidy	Office of Trade Analysis and Insurance
279	Operating-differential subsidy for bulk cargo vessels in United States foreign commerce on the Great Lakes, connecting rivers, St. Lawrence River and the Gulf of St. Lawrence	Office of Ship Operating Assistance/ Office of Financial Approvals

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
280	Limitations on the award and payment of operating-differential subsidy to liner operators	Office of Trade Analysis and Insurance/ Office of Financial Approvals
281.1	Information and procedures required under liner operating-differential subsidy agreements	Office of Financial Approvals/ Office of Ship Operating Assistance/ Office of Trade Analysis and Insurance
281.2- 281.4	Definitions, voyage status, idle and off-hire periods	Office of Trade Analysis and Insurance
281.5- 281.6	Recovery of subsidy by MARAD, interpretation	Office of Ship Operating Assistance
282	Operating-differential subsidy for liner vessels engaged in essential services in the foreign commerce of the United States	Office of Ship Operating Assistance
283	Dividend policy for ODS operators	Office of Trade Analysis and Insurance/ Office of Financial Approvals
285	Determination of profit in contracts for ship construction, reconditioning or reconstruction	Office of Ship Construction/ Office of Financial Approvals

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
287	Establishment of construction reserves	Office of Trade Analysis and Insurance/ Office of Financial Approvals
289	Insurance of construction-differential subsidy vessels, operating-differential subsidy vessels and of vessels sold or adjusted under the Merchant Ship Sales Act of 1946	Office of Trade Analysis and Insurance
290	Forms	Secretary, Maritime Administration/ Maritime Subsidy Board
292	Procedure to be followed by operators in the rendition to MARAD of annual and final accounting under operating-differential subsidy agreements	Office of Financial Approvals
294	Operating-differential subsidy for bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics	Office of Trade Analysis and Insurance/ Office of Ship Operating Assistance/ Office of Financial Approvals

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
298	Obligation guarantees	Office of Ship Financing/ Office of Financial Approvals
307	Establishment of mandatory position reporting system for vessels	Office of Ship Operations
308	War risk insurance	Office of Trade Analysis and Insurance
309	Values for war risk insurance	Office of Ship Construction/ Ship Valuation Committee .
309.101	"	Office of Ship Construction/ Ship Valuation Committee
309.201- 309.204	"	Office of Trade Analysis And Insurance/ Office of Ship Construction
310	Merchant marine training	Office of Maritime Labor and Training
315	Agency agreements	Office of Ship Operations
316	Application for agents	Office of Ship Operations
317	Bonding of ship's personnel	Office of Financial Approvals/ Office of Ship Operations

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
318	Compensation payable to agents, general agents and berth agents	Office of Financial Approvals/ Office of Ship Operations
319	Duties of berth agents and general agents	Office of Ship Operations/ Office of Port and Intermodal Development
320	Certificate of ownership and operation for general agency vessels	Office of Ship Operations/ Office of Financial Approvals
321	Authority of general agents to provide for American merchant marine library service	Office of Ship Operations/ Office of Financial Approvals
322	Applicability of former Maritime Commission and War Shipping Administration orders, regulations and instructions and allowability of expenses under service agreements with National Shipping Authority (NSA)	Office of Financial Approvals/ Office of Ship Operations
323	Maximum brokerage commission applicable to NSA vessels	Office of Financial Approvals/ Office of Ship Operations
324	Procedural rules for financial transactions under agency agreements	Office of Financial Approvals/ Office of Ship Operations

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
325	Procedures to be followed by general agents in preparation of invoices and payment of compensation pursuant to provisions of NSA Order No. 47	Office of Financial Approvals/ Office of Ship Operations
326	Marine protection and indemnity insurance under general agency and berth agency agreements	Office of Trade Analysis and Insurance/ Office of Ship Operations
327	Seamen's claims, administrative action and litigation	Office of Trade Analysis and Insurance/ Office of Ship Operations
328	Slop chests	Office of Ship Operations/ Office of Financial Approvals
329	Voyage data	Office of Ship Operations/ Office of Trade Analysis and Insurance
330	Launch services	Office of Financial Approvals/ Office of Ship Operations
331	Authority and responsibility to undertake to decommission and deliver ships to reserve fleet	Office of Ship Operations
332	Repatriation of seamen	Office of Ship Operations/ Office of the Chief Counsel

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
333	Authority and responsibility of general agents to undertake to decommission tankers to be withdrawn from operation and placed in a reserve fleet	Office of Ship Operations
334	Radar observer certificates, ships' safety and use of radar	Office of Ship Operations
335	Authority and responsibility of general agents to undertake emergency repairs in foreign ports	Office of Ship Operations/ Office of Financial Approvals
336	Authority and responsibility of general agents to undertake in continental United States ports voyage repairs and service equipment of vessels operated for the account of the NSA under general agency agreement.	Office of Ship Operations
337	General agent's responsibility in connection with foreign repair customs entries	Office of Ship Operations
338	Procedure for accomplishment of vessel repairs under NSA master lump sum repair contract - NSA - LUMPSUMREP	Office of Ship Operations
339	Procedure for accomplishment of ship repairs under NSA individual contract for minor repairs - NSA - WORKSMALREP	Office of Ship Operations

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
340	Priority use and allocation of shipping services, containers and port facilities services for national security and national defense-related operations	Office of National Security Plans/Office of Ship Operations/ Office of Port and Intermodal Development
345	Restrictions upon the transfer of or change in use or in terms governing utilization of port facilities	Office of Port and Intermodal Development
346	Federal Port Controllers	Office of Port and Intermodal Development
347	Operating contract	Office of Port and Intermodal Development
350	Seamen's Service Awards	Office of Maritime Labor and Training
351	Depositories	Office of Financial Approvals
355	Establishing citizenship	Office of the Chief Counsel
360	Transfer of marine equipment by MARAD	Office of Ship Operations

<u>46 CFR PART NO.</u>	<u>BRIEF SUBJECT DESCRIPTION</u>	<u>RESPONSIBLE OFFICE(S)</u>
370	Claims	Office of the Chief Counsel
380	Procedures Subpart A	Office of Trade Analysis and Insurance
	Subpart C	Office of Management Services
	Subpart E	Secretary, Maritime Administration/ Maritime Subsidy Board
381	Cargo Preference - U.S.-flag vessels	Office of Market Development
382	Procedures for determining fair and reasonable rates for bulk cargo vessels	Office of Ship Operating Assistance
385	Research and development grant and cooperative agreement regulations	Senior Advisor for Research and Development
390	Capital Construction Fund	Office of Ship Financing/ Office of Financial Approvals
391	Federal income tax aspects of the Capital Construction Fund	Office of Ship Financing/ Office of Financial Approvals

OFFICES WITH PRIMARY RESPONSIBILITY
FOR SUPPLEMENTAL DOCUMENTS

<u>Supplemental Document</u>	<u>Office</u>
Circular Letters to Subsidized Operators	Office of Trade Analysis and Insurance
Circular Letters to Subsidized Operators the US-USSR Grain Trade	Office of Trade in Analysis and Insurance
Circular Letters to General Agents	Office of Ship Operations
Operating Letters to General Agents	Office of Ship Operations
Accounting Instructions	Office of Financial Approvals