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United States Coast Guard

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MOC Policy Letter 04-07

From: J. A. SERVIDIO
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To: Distribution

Subj: FISHING INDUSTRY VESSEL THIRD PARTY EXAMINATION PROGRAM

Ref: (a) Fishing Industry Vessel Third Party Examination and Procedures for Designation of "Accepted Organizations" and "Similarly Qualified Organizations," NVIC 13-91
(b) CH-1 to NVIC 13-91, Fishing Industry Vessel Third Party Examination and Procedures for Designation of "Accepted Organizations" and "Similarly Qualified Organizations"
(c) 46 C.F.R. 28.73
(d) 46 C.F.R. 28.76
(e) 46 C.F.R. 28.710

1. This letter serves to clarify existing guidance in references (a) through (e), as well as the roles and responsibilities within the U.S. Coast Guard's Fishing Industry Vessel Third Party Examination Program. An organization desiring to be designated as an accepted organization or similarly qualified organization must request such designation in writing from Commandant (G-MOC-3), as required by references (c) and (d).

2. An accepted organization or similarly qualified organization desiring to employ an individual as a fishing industry vessel third party examiner must submit the organization's procedures for acceptance and termination to Commandant (G-MOC-3). Organizations shall maintain a roster covering the past five (5) years of individuals qualified and entrusted to conduct fishing industry vessel examinations. Organizations shall forward third party examination reports to the cognizant Coast Guard (Atlantic or Pacific) Area Commercial Fishing Vessel Safety (CFVS) Coordinator within 30 days of exam completion. Reports shall include:

a. The examiner's name;
b. The organization's name;
c. Statement that the vessel was examined and found to be in compliance with the provisions of 46 CFR 28.710, if only Certificate of Compliance (COC) issued, or examined and found to be in compliance with all Federal requirements applicable to commercial fishing industry vessels, if a decal is issued;
d. Decal serial number, if issued;
e. Date of the certification of compliance (COC) and/or decal issuance;
f. Vessel name and official number;
g. City and state where examination was conducted.

3. The Coast Guard Area CFVS Coordinator shall ensure documentation of third party examination reports are properly entered into the Coast Guard's management information system for Marine Information for Safety and Law Enforcement (MISLE). Coast Guard Area CFVS Coordinators may further delegate oversight and data entry responsibilities to the appropriate District Coordinator. Pertinent program analysis shall be included within periodic audit reports to Commandant (G-MOC-3).

4. Individuals newly accepted by their organization to conduct third party examinations shall immediately notify the Coast Guard Area CFVS Coordinator to ensure familiarity with local/regional procedures and to establish effective liaisons with all Coast Guard CFVS coordinators and examiners within their area of operation. Area CFVS Coordinators will be cognizant of the third party examiners conducting examinations within their areas and audit reports and feedback from fishermen and vessel operators to ensure third party surveyors maintain high standards.

5. The Officer in Charge, Marine Inspection (OCMI) of a marine safety command may rescind acceptance of an individual's third party examiner designation when necessary to preserve the integrity of the third party examination program. The revocation of an individual's authorization to conduct third party examinations shall be made in writing to the accepted organization or similarly qualified organization. A copy of the revocation letter will be provided to all District CFVS coordinators, Coast Guard Area, and Commandant (G-MOC-3).

6. A third party organization or any person directly affected by a decision or action of an OCMI may, after requesting reconsideration of the decision or action by the cognizant OCMI, make formal written appeal of that decision or action, via the office of the cognizant OCMI to the District Commander. A third party organization or any person directly affected by a decision or action of a District Commander may make a formal written appeal of that decision or action, via the office of the cognizant District Commander, to the Atlantic and/or Pacific Area Commander. A third party organization or any person directly affected by a decision or action of an Area Commander may make a formal written appeal of that decision or action, via the office of the cognizant Area Commander, to Commandant (G-MOC-3). Any decision made by the Commandant, or by the Assistant Commandant for Marine Safety, Security, and Environmental Protection, or by an office chief pursuant to authority delegated by the Commandant is final agency action on the appeal.

7. Commandant (G-MOC-3) will issue serialized decals to each accepted organization and similarly qualified organization and provide policies, interpretations, and instructions to assure consistent application of the CFVS regulations. The G-MOC-3 staff is available to answer questions and provide further information on the third party examination program. This policy

letter may be accessed on line at the Internet through the following web site: http://www.uscg.mil/hq/g-m/moc/docs.htm.

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