



evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials. Following submission of all materials, the Area Commander issues a ruling, in writing, on the appeal. Prior to issuing the ruling, the Area Commander may, as a matter of discretion, allow oral presentation on the issues.

(d) Any person directly affected by the establishment of a safety zone or by an order or direction issued by an Area Commander, or who receives an unfavorable ruling on an appeal taken under paragraph (b) of this section, may appeal through the Area Commander to the Assistant Commandant for Marine Safety, Security and Environmental Protection, U.S. Coast Guard, Washington, DC 20593. The appeal must be in writing, except as allowed under paragraph (e) of this section. The Area Commander forwards the appeal, all the documents and evidence which formed the record upon which the order or direction was issued or the ruling under paragraph (b) of this section was made, and any comments which might be relevant, to the Assistant Commandant for Marine Safety, Security and Environmental Protection. A copy of this documentation and evidence is made available to the appellant. The appellant is afforded five working days from the date of receipt to submit rebuttal materials to the Assistant Commandant for Marine Safety, Security and Environmental Protection. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is based upon the materials submitted, without oral argument or presentation. The decision of the Assistant Commandant for Marine Safety, Security and Environmental Protection is issued in writing and constitutes final agency action.

(e) If the delay in presenting a written appeal would ...  
(FR 07/12/06; CL 812/06) 35/06

Page 118—Paragraph 1811, line 3; read:  
of two ship lengths or 500 meters (1,640 feet) from dead ...  
(FR 07/12/06; CL 812/06) 35/06

Page 130—Paragraph 2118, lines 3 to 4; read:  
Management and Budget under control number 1625-0020.  
(FR 07/12/06; CL 812/06) 35/06