



Roadmap to Successful Submissions: Exemptions, Appeals & Equivalencies

A Guide for Owner/Operators of Commercial Vessels



Towing Vessel National Center of Expertise

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EXECUTIVE SUMMARY

There are certain times during an examination, inspection or boarding (or other times such as plan review, 3rd party audits, and self-discovery) of a commercial vessel when there will be a point of non-agreement between the owner/operator and the Coast Guard Examiner, Marine Inspector, or Boarding Officer as to the applicability, intent, or application of certain regulations to a certain vessel. When this occurs, there are several avenues available to the vessel owner/operator that can be used to bring the issue to an equitable resolution. In other words, there are several prescribed processes included in the regulations that are designed to bring additional levels and granularity of review to bear on the issue to make sure that a correct determination is made. This helps to ensure that the best, most reasonable and most valid determination is decided upon prior to a vessel owner/operator having to invest resources such as time and money to resolve a vessel issue or deficiency. This document is provided to assist Coast Guard members and industry representatives in navigating through the process of submitting alternatives to meeting prescribed standards as allowed by the Code of Federal Regulations.

EXEMPTIONS, APPEALS & EQUIVALENCIES

BACKGROUND

The Coast Guard is a military organization, which means it uses a Chain of Command system for operation, control and authority. If we understand the organizational layout and the rules of navigating this system, we can plot our course through the chain of command more effectively and efficiently.

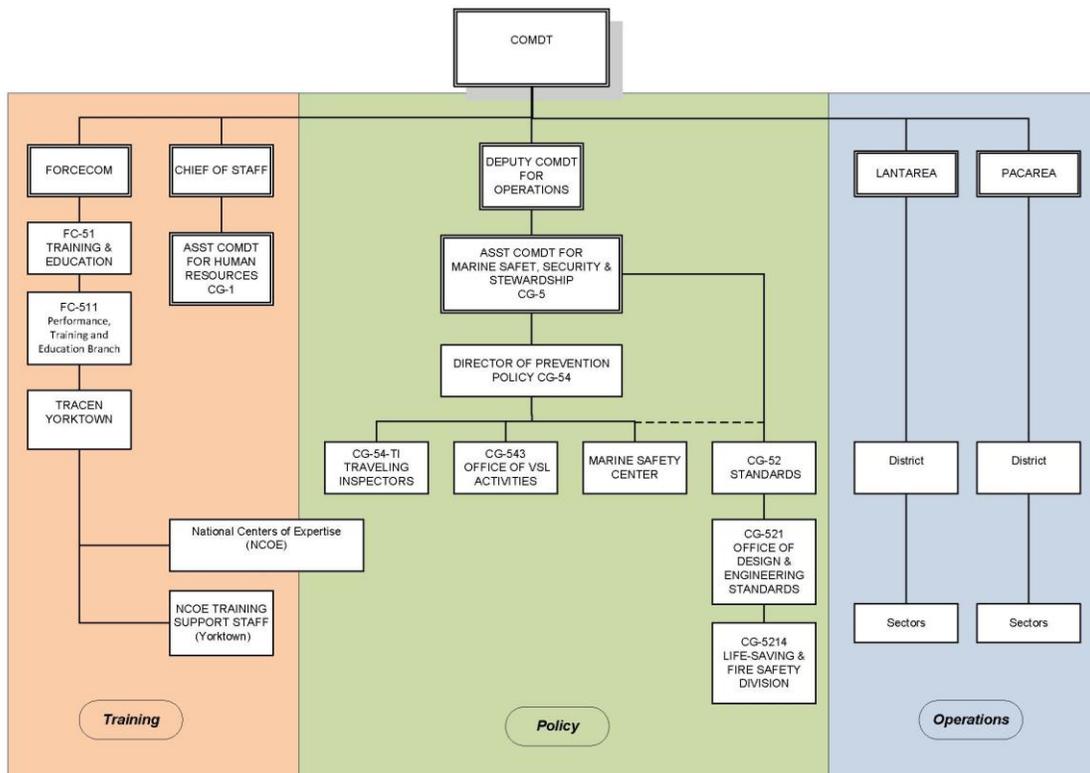


Table 1: Simplified depiction of Coast Guard organizational as it relates to Uninspected Towing Vessels

This chart in Table 1 highlights the most important and most common Coast Guard elements and “ladders” that you as a Coast Guard or industry representative will be using when dealing with commercial vessel issues. Each column represents a separate Chain of Command. Let’s look briefly at each part. Starting on the left, the first two columns or ladders represent those elements that affect Coast Guard Examiner, Marine Inspector, and Boarding Officer work aids, tools, training and curriculum. As you can see, Training Center Yorktown and parts of Force Command (FORCECOM) make up this element of our organization. This is an extremely important part of the organization because training, tactics and procedures drive consistency, professionalism and competence.

The next part of this chart is the middle section which has 4 columns. These columns deal with developing the standards, guidance, policy and regulations that are either enforced by Coast Guard or complied with by industry representatives.

The last two columns represent the operational activity that occurs in the field. Each Area has Districts and each District has local commands called Sectors, which are a “point of service”. This ladder or chain of command is responsible for mission execution.

Therefore, when there is an issue raised for a particular vessel it is initiated at the bottom of the right hand columns. From there it moves up to the top of that ladder, across to the middle ladders, and down to the correct office where it is worked on. During this stage it may be shared among several offices with the proper responsibility and needed expertise to come to a decision. Then the final agency decision is sent either directly to the submitter or sent back up that column across and down the right hand column back to the originating unit (in the case of equivalencies). These decisions set precedence and combined with other actions help to shape official policy. This policy eventually makes its way into guidance and/or regulations and is taught by the organizations represented by the left hand columns of the chart. That is a very simplified overview of how issues move throughout the Coast Guard organization for determination or resolution. Now let us discuss in detail how an owner/operator starts this process by exercising his or her rights within the regulations. This section includes choosing the correct tool, putting together a request package and correctly routing a request. 46 CFR 1.01, “Organization and General Flow of Functions,” is a good primer to help you understand how requests such as exemptions, appeals and equivalencies move throughout the Coast Guard organization.

DISCUSSION

Requests come in three basic forms: Exemptions, Appeals and Equivalencies. We will now define and discuss each option since they are similar and linked, yet unique: Exemptions are meant to provide an avenue to not have to meet a particular regulation, Appeals are used when industry disagrees with the CG’s finding regarding a particular issue, and Equivalencies are meant to provide an opportunity to still meet a regulation, but using a different arrangement or piece of equipment to do it. As you can see, each option deals with the interpretation of the regulations. When you wish to apply an exemption, you are saying that you do not feel a specific regulation applies to your operation or vessel. When you appeal a decision, you are saying that the Coast Guard has not applied the regulations correctly to your operation or vessel in a particular instance. Finally, when you seek an equivalency, you agree that the regulation applies to your operation or vessel, but that you cannot meet it as specified. Instead, you wish to meet the same standard or level as set forth in the regulation, but in a different or unique way. In other words, you propose to meet the requirement in a way that still satisfies the spirit, intent and equivalent level of safety as mandated while not meeting the letter of the regulation.

This process begins with a discussion between the vessel representative and the local Coast Guard Examiner or Marine Inspector. This discussion is then elevated to the Chief of Inspections or the Chief of the Prevention Department. If no point of agreement is found a formal request (letter and package) from the vessel representative is submitted to the Officer In Charge of Marine Inspection (OCMI), which in some cases will be at the Marine Safety Unit (MSU) level, but in cases where the MSU does not have OCMI authority the package will be submitted directly to the Sector level. The flow charts that follow do not differentiate between MSU and Sector but simply state that the package is submitted to the OCMI. It is assumed that if the package is submitted to an MSU with OCMI authority that it moves to the Sector level before moving to the District and Headquarters levels as required by the Chain of Command.

EXEMPTIONS

Exemptions allow for written requests to the OCMI for relief from meeting a specific regulation. Not all regulations allow exemptions. There is not a blanket exemption clause like there is for appeals. Exemptions are very specific and cover only portions of a subpart or section. There are exemptions for some regulations or requirements and there are no exemptions for other requirements. If an exemption is allowed it will be clearly stated in the regulation. If there is no statement allowing an exemption for a particular regulation or portion of the regulation then there is no exemption allowed in that instance and another avenue, such as an equivalency, must be used to address the issue. Most exemptions can be granted by the local Command (e.g., the Sector or MSU OCMI), but some must be granted

at a higher level such as at the District or Headquarters level. This also will be clearly explained in the regulation that allows the exemption. Here are a few examples of exemptions that apply to Uninspected Towing Vessels from 46 CFR Subchapter C & 33 CFR Part 164:

EPIRB - 46 CFR 25.26-60(b) (District Commander exemption)

Fire Protection - 46 CFR 27.100(b)(4) & 27.100(c)

Navigation Safety - 33 CFR 164.01-(b)(4)

APPEALS

Appeals are an avenue that industry can use when they do not agree with a decision made by an OCMI (a local command decision), including decisions regarding an exemption (e.g., denial of exemption request, application of regulations in a way that the vessel owner/operator does not agree with, etc.). Appeals must be submitted in writing and received by the authority to whom the appeal is requested within 30 days after the decision or action being appealed. Upon written request, the 30 day time limit may be extended by the authority to whom the appeal is requested. While this document does not go into great detail on appeals to specific entities in the Coast Guard (such as the Marine Safety Center or National Maritime Center, for example), 46 CFR Subpart 1.03 does and should be read carefully before submitting any appeal package.

EQUIVALENCIES

Equivalencies are written requests to Commandant (COMDT) for a substitution or alternate piece of equipment. Using Subchapter C again as an example, equivalencies are broken into two distinct types in paragraph (a) and (b) of 46 CFR 24.15-1:

(a) If a particular item, provision, or arrangement is required, Commandant may accept a substitution if satisfied by suitable trials that it is at least as effective as that specified in regulation.

(b) If a particular equipment, apparatus or arrangement not required by law is unreasonable or impracticable, Commandant may permit use of an alternate item as will insure a degree of safety consistent with the minimum standards set forth in regulation.

Equivalencies are not granted at the local command level like most exemptions or appeals. They must go up through the Chain of Command to COMDT for determination.

MAKING THE REQUEST

PUT TOGETHER THE REQUEST PACKAGE

First, put together a *request package*. This package should include detailed information so that the CG can make an informed decision. Include any applicable pictures, diagrams, drawings, official documentation, manufacturer information, and/or survey reports to help support your case. Lastly, add a cover letter explaining the reason for the request, how your vessels meets/exceeds the minimum safety standards and any other supporting remarks. See the checklists in Appendix A and B to help you put together the request package.

SUBMIT THE REQUEST PACKAGE

Next, submit your package:

REQUEST FOR EXEMPTION

1. Determine whether the issue you are considering is allowed to be exempted by law.
2. Submit the request package to the local unit or command with OCMI authority (e.g., Marine Safety Unit or Sector).
3. If the OCMI grants the exemption, then a letter will be sent to you granting the exemption. It is recommended that you keep a copy of this letter on board the vessel for future exams or boardings.
4. If the OCMI denies the exemption request, then you have the right to appeal to the next higher level (see Appeals).
5. If the exemption can only be granted at a higher level (e.g. District or COMDT) in accordance with regulations, the OCMI will forward the request package with a cover memo thru the chain of command.
6. Whenever the request package is forwarded, you will receive a letter from the reviewer (Coast Guard) keeping you informed of the status of your exemption request at each stage of review.
7. Upon determination (by either District or COMDT), a letter will be sent to you. It is recommended that you keep a copy of any exemption approval letters on board the vessel for future exams or boardings.

REQUEST FOR APPEAL

1. If you decide to appeal an OCMI decision, address the cover letter to the District Commander and submit the request package to the local unit or command with OCMI authority (e.g., Marine Safety Unit or Sector).
2. The OCMI will review & forward the request package with a cover memo to the District Commander for determination.
3. The District Commander will review the request package and notify you of their decision with a letter.
4. If the appeal was denied, you have the right to appeal the District Commander's decision. Respond to the denial letter indicating that you desire to appeal to the COMDT, which is the next and final authority. Include any additional supporting information with your letter to the District Commander.
5. Upon receipt of your letter requesting appeal to higher authority, the District Commander will forward the request package with a cover memo to the COMDT for final agency review and decision.
6. COMDT will notify you of the final agency decision with a letter.

REQUEST FOR EQUIVALENCY

1. Submit the request package to the local unit or command with OCMI authority (e.g., Marine Safety Unit or Sector).
2. Since equivalencies are only granted by the COMDT, the OCMI will forward the request package thru the chain of command. At each level, a cover memo from the reviewer will be forwarded with the request package to the next level of review. This memo can support the request, not support the request, and/or

provide additional information to help COMDT make an informed decision. You will receive a letter from each level of review with a copy of its memo to inform you of the status of your request.

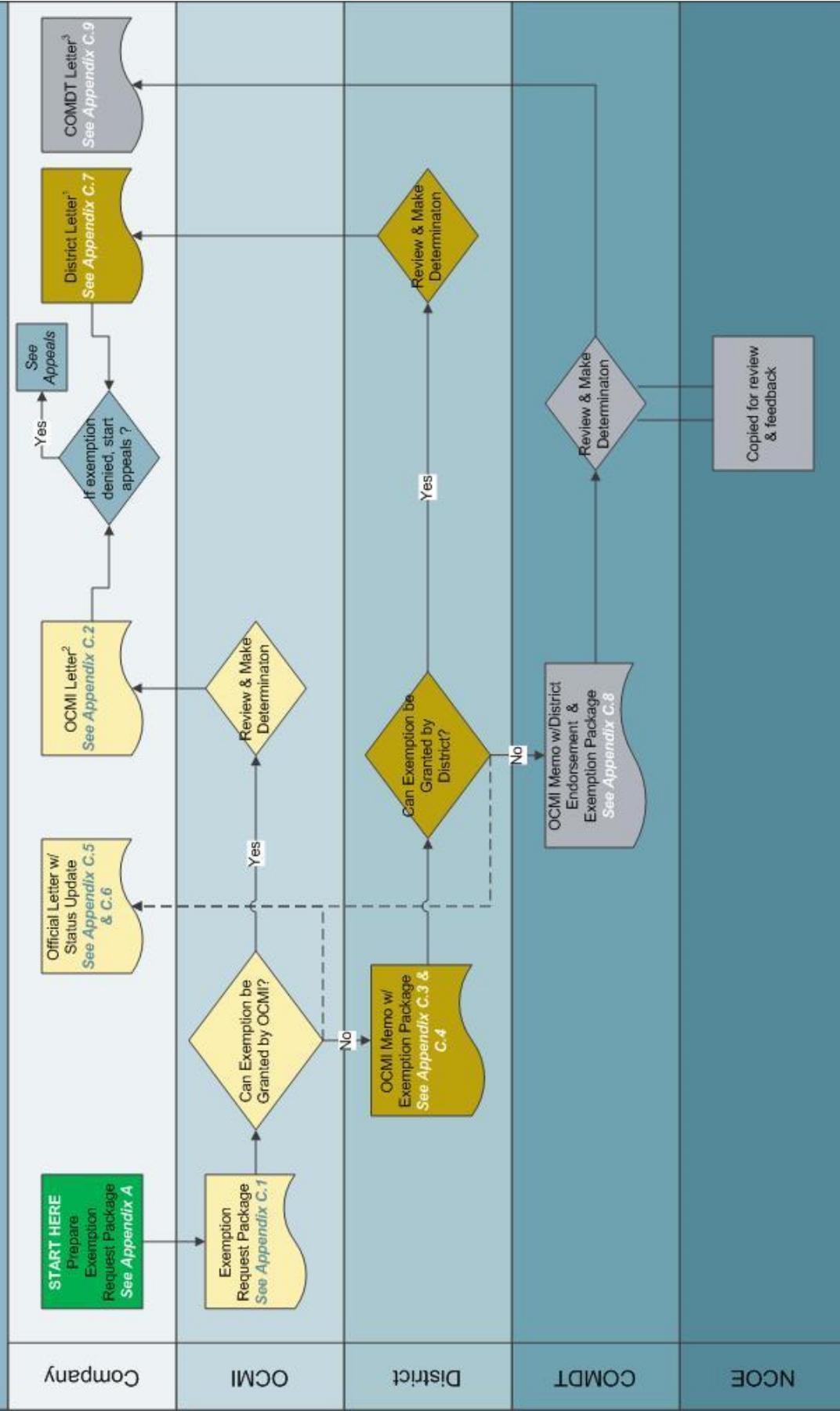
3. COMDT will conduct a final agency review and decision. COMDT will notify the local OCMI of the final agency decision with a memo. You will receive a letter from the OCMI notifying you of the CG's decision.

PROCESS FLOWCHART

The cross-functional flowchart is a process mapping tool used to articulate the steps and stakeholders of a given process. The following flowcharts illustrate an overview of the Exemption, Appeal, or Equivalency request process.

All of the processes begin with the company putting together a request package (upper left corner) and submitting it thru the proper channels and ends with the company receiving a letter with the CG's decision (upper right corner). The rows of the flowchart identify the stakeholder's role and/or responsibility in the process. This helps you visualize the flow or path of your request package thru the CG chain of command. Each flowchart has a slightly different path depending on the request made.

How to request an Exemption

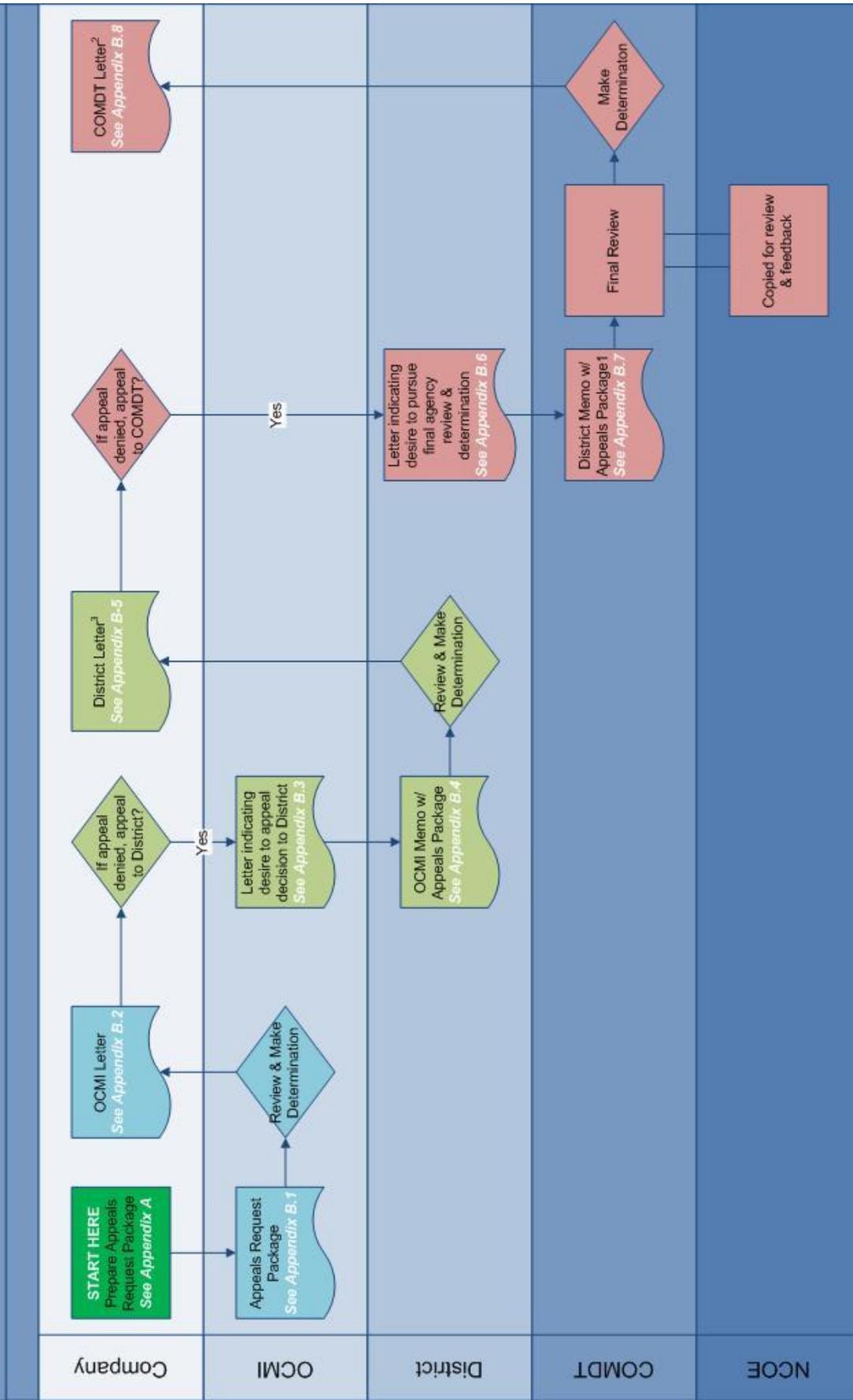


¹Copy to OCM and relevant NCOE

²Copy to relevant NCOE

³Copy to OCM, District, AREA and relevant NCOE

How to request an Appeal

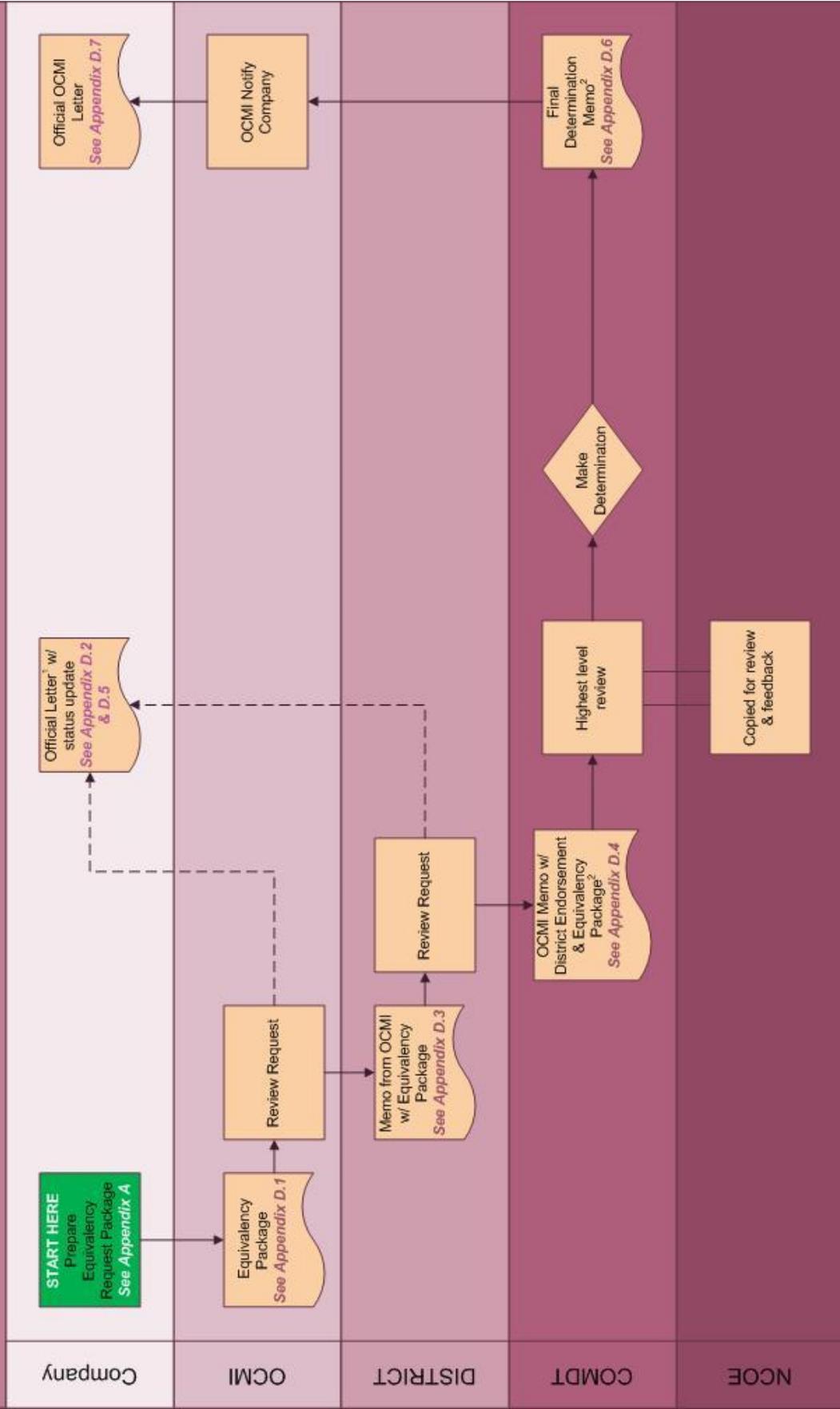


¹ Info copy sent to OCMI, AREA and relevant NCOE

² Info copy sent to OCMI, District, AREA and relevant NCOE

³ Info copy sent to OCMI and relevant NCOE

How to request an Equivalency



¹ Give company status update ("forwarded for review at next level") via official letter

² Info copy sent to District, AREA and relevant NCOE

APPENDICES

This document was created by the Towing Vessel National Center of Expertise and thus contains primarily towing vessel specific example letters and memos in the following appendices. Nevertheless, these examples can be applied to any commercial vessel.

APPENDIX A: CHECKLISTS

A.1: GENERIC CHECKLIST

Vessel Particulars

- Vessel name
- Vin
- Call Sign
- Year built or rebuilt
- Length
- Horsepower
- Crew Size
- Service (coastal, oceans, rivers, line haul, fleeting, harbor, etc)
- Provide a digital photo of your vessel

If requesting an Exemption:

- Cite the regulation you are requesting to be exempted from
- Explain the how/why the exemption is applicable to your vessel and any impacts on safety
- Provide copies of any supporting documentation (including digital photos if applicable)

If requesting an Appeal:

- Provide a copy of documentation which contains the official CG decision you are appealing
- Explain the reason for requesting appeal and any impacts on safety
- Provide copies of any supporting documentation (including digital photos if applicable)

If requesting an Equivalency (*see Appendix B for Fixed Fire Extinguishing System checklist*):

- Explain the reason for requesting equivalency
- Describe the existing system in detail
- Describe in detail the proposed equivalency measure or how existing system meets minimum or higher level of safety
- Provide copies of any supporting documentation (including digital photos if applicable)

Checklist for Equivalency Request
of Fixed Fire Fighting System on Uninspected Towing Vessels

Background/Instructions

46 CFR 27.303 requires oceangoing or coastal towing vessel's whose construction was contracted for after August 27, 2003, to have a fixed fire extinguishing system installed to protect the engine room of the vessel. Inland towing vessels and ocean going/coastal towing vessels whose construction was contracted for before August 27, 2003 may be equipped with either a B-V semi-portable fire extinguishing system or a fixed fire-extinguishing system to protect the engine room. 46 CFR 27.101 defines a fixed fire extinguishing system as either a carbon dioxide (CO₂) system that meets the requirements of 46 CFR 76.15 and is approved by Commandant; a manually operated clean-agent system that meets National Fire Protection Association (NFPA) Standard 2001 and is approved by the Commandant; or a manually operated water-mist system that satisfies NFPA Standard 750 and is approved by the Commandant.

The Coast Guard is aware that many towing vessels in both inland and costal/oceangoing service are equipped with fixed CO₂ systems that may not meet the requirements of 46 CFR 76.15 but which are fully functional and maintained in accordance with manufactures' recommendations. The Coast Guard encourages owners of vessels installed with non-complaint systems to consider utilizing the equivalency process described in the attached guidance document to propose equivalent measures to satisfy the intent of the regulations¹.

The questionnaire will guide you through the information that should be provided and the considerations that should be addressed in submitting an equivalency request for a non-compliant fixed fire suppression system. In general, such requests should take into account the need to:

- 1. Isolate or protect CO₂ cylinders, valves, and flexible connections from flame.** Measures that might be used to accomplish this purpose include relocating the cylinders outside the protected space, insulating cylinders, valves and flexible connections, installing solid steel deck plating, heat shields, or temporary bulkheads to protect cylinders from fire sources; and/or installation of a water spray system to protect the cylinders.
- 2. Provide for secondary means of activating the system from outside the protected space.** This might be accomplished via a reach rod, cable pull, or other mechanism that can be accessed by personnel located outside the protected space.
- 3. Ensure necessary access to the system for maintenance and servicing.** This might require moving other equipment or changing the position of the cylinders.

¹Another alternative for an uninspected towing vessel not required to have a fixed fire-extinguishing system is to have the system considered "excess equipment" as defined in CG-543 Policy Letter 10-06. It should be noted, however, that the forthcoming Subchapter M regulations may have an effect on whether inspected towing vessels are allowed to carry "excess" equipment that does not fully meet the new regulations.

Please provide the following information and attach photos/diagrams of the fixed fire extinguishing system and protected space.

Vessels Particulars

- Vessel Name
- VIN
- Call Sign
- Year built or rebuilt
- Length
- Horsepower
- Crew size
- Service (coastal/ocean, inland line haul, canal, harbor/fleeting, etc)

Fixed Fire Extinguishing System

- System manufacturer
- Year installed
- Manufacturer installation plans or PE approved plans
- Total number of cylinders
- Number of pilot cylinders
- Total pounds of extinguishing agent
- Approximate volume of protected space
- Approximate height of protected space
- Location of remote release station(s)
- Activation system (pull cables or pneumatic)
- Stop valve installed
- Location and deck level of cylinder bank

- Briefly explain the reason for the equivalency request (i.e., why the system as installed on your vessel does not meet the requirements of 46 CFR 76.15)

Proximity to Fire Sources/Protection of Cylinders and flexible Connections

- Describe separation distance between cylinders and fire sources
- Describe any physical barriers between cylinders and fire sources
- Describe location of pressurized engine fuel lines near CO2 cylinders
- Describe and spray shields on flexible fuel lines or engines with external fuel lines

Secondary Means of Activation

- Describe means and location of secondary release if remote releases fail

Proposal Equivalency Measures

- Describe proposed equivalency measures to:
 - Isolate/protect CO2 cylinders, valves and flexible connections from flame (e.g., cylinder relocation, insulation, steel deck plating, heat shields, water spray protection for system, etc.)
 - Provide for secondary means of activating system from outside the protected space.
 - Ensure necessary access to the system for maintenance/servicing.

APPENDIX B: APPEALS

B.1: INITIAL COMPANY LETTER TO OCMI

[Insert date]

[Select OCMI or COTP¹]

U.S. Coast Guard Sector [insert unit name]

[Insert street address]

[Insert City, State, Zip]

Dear Captain [insert name],

SUBJECT: Request for Appeal from [select OCMI or COTP] Decision

1. [State what decision you feel aggrieved by & applicable CFR cites]
2. [Provide a detailed explanation on why/how you feel aggrieved by the above decision. Provide a copy of the decision (CG letter, exam form, CG-835, etc) and any other supporting documents. Supporting documents can be drawings, charts/maps, diagrams, survey reports, photographs, manufacturer information, etc.]
3. [Ask for reconsideration]
4. [Provide contact information]

Sincerely,

[Insert name]

[Insert title]

¹ OCMI or COTP authority depends on the specific regulation in question.

B.2: OCM I RESPONSE TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



OCMI
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is in response to your letter dated [insert date] requesting appeal of the [insert deficiency] issued to your vessel on [insert date] during the Industry Initiated Exam attended by my staff.

After careful consideration of your request and facts of the issue I have decided to [insert one: grant, partially grant, deny] your request for appeal. My decision is based on [insert justification].

{ If partially granted } I recognize that this decision does not completely satisfy you on all the issues raised in your request. However, I believe it does provide a fair and equitable solution to this situation.

{ If partially granted or denied } If you feel aggrieved by this decision, you have the right to make an appeal to Commander, [number] Coast Guard District thru my office. If you should decide to move forward with this option, please let me know in writing within 30 days and I will forward your appeals request package to Commander, [number] District.

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection¹

Copy: [Relevant NCOE]

¹ This may be OCM I or COTP depending on the specific regulation in question.

B.3: COMPANY REQUESTING FORWARDING OF APPEAL TO DISTRICT

[Insert date]

[Select OCMI or COTP¹]

U.S. Coast Guard Sector [insert unit name]

[Insert Sector address]

[Insert City, State, Zip]

Dear Captain [insert name],

SUBJECT: Request for Appeal to Commander, [number] Coast Guard District from [select OCMI or COTP] Decision

1. I received your letter dated [insert date] denying my request for appeal from your decision regarding [insert issue]. I request to appeal to the next higher authority. Please forward my appeals request package to Commander, [number] Coast Guard District.
2. [If applicable, include any new additional supporting information here and/or as enclosure]
3. Provide contact information.

Sincerely,

[Insert name]

[Insert title]

¹ OCMI or COTP authority depends on the specific regulation in question.

B.4: OCM I MEMO FORWARDING APPEAL REQUEST PACKAGE TO DISTRICT

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

MEMORANDUM

From: [Name]
[Unit Name]

Reply
to
Attn of:

To: Commander, [Number] Coast Guard District (dp)

Subj: REQUEST FOR APPEAL OF [insert issue]

Ref: (a) [insert company appeal request letter]
(b) [insert relevant CFR cite, policy letter, etc]

1. In accordance with reference (a), [Insert company name] requests formal appeal of my decision on [insert issue] on M/V [insert vessel name & official number].
2. [Provide background of issue and decision being appealed]
3. [Provide recommendation for approval or denial of appeal and justification]

#

Enclosure: (1) [Company's request for appeal letter and supporting documents]
(2) [Unit's response to company's letter]

Copy: [Relevant NCOE]

B.5: DISTRICT LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



Commander (dp)
[Number] Coast Guard District

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is in response to your request for appeal of the OCMi decision on the matter of [insert deficiency], which was received on [date] forwarded to me by Sector [unit name].

After careful consideration of your request and facts of the issue I have decided to [insert one: grant, partially grant, deny] your request for appeal. My decision is based on [insert justification].

{ If partially granted } I recognize that this decision does not completely satisfy you on all the issues raised in your request. However, I believe it does provide a fair and equitable solution to this situation.

{ If partially granted or denied } If you feel aggrieved by this decision, you have the right to make an appeal to the Commandant thru my office. If you should decide to move forward with this option, please let me know in writing within 30 days and I will forward your appeals request package to the Commandant.

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

Copy: All [Number] District OCMi's
[Relevant NCOE]

[Insert date]

Chief, Prevention Division
Commander, *[number]* Coast Guard District
[Insert street address]
[Insert City, State, Zip]

Dear Captain *[insert name]*,

SUBJECT: Request for Appeal to Commandant from *[number]* District Decision

1. I received your letter dated *[insert date]* denying my request for appeal from your decision regarding *[insert issue]*. I request to appeal to the next higher authority. Please forward my appeals request package to the Commandant for final agency review and determination.
2. *[If applicable, include any new additional supporting information here and/or as enclosure]*
3. *[Provide contact information]*

Sincerely,

[Insert name]

[Insert title]

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
[Number] U.S. Coast Guard District

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

MEMORANDUM

From: [Name]
[Number] Coast Guard District

Reply
to
Attn of:

To: Commandant (CG-5431)
Thru: Commander, [AREA] (3p)

Subj: REQUEST FOR APPEAL OF [insert issue]

Ref: (a) [insert company appeal request letter]
(b) [insert relevant CFR cite, policy letter, etc]

1. In accordance with reference (a), [Insert company name] requests formal appeal of my decision on [insert issue] on M/V [insert vessel name & official number].
2. [Provide background of issue and decision being appealed]
3. [Provide recommendation for approval or denial of appeal and justification]

#

Enclosure: (1) [Company's request for appeal letter and supporting documents]
(2) [OCMI's response to company's request]
(3) [District's response to company's request]

Copy: [OCMI]
[Relevant NCOE]

B.8: COMDT LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant (CG-543)
Office of Vessel Activities
United States Coast Guard

2100 2nd Street, S.W. Stop 7581
Washington, D.C. 20593-7581
Staff Symbol: CG-5431
Phone: (202) 372-1224
Fax: (202) 372-1921
Email: CG5431@uscg.mil

16711/Serial No. [#]

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This is in response to your letter of [date] requesting appeal of the decision made by Commander, [#] Coast Guard District relating to [issue]. After careful consideration of your appeal and in consultation with [insert if applicable...i.e. USCG Headquarters Systems Engineering Division, etc], I have decided to [grant, partially grant, deny] your appeal.

My decision is based on [insert justification].

This constitutes final agency action on this matter.

Policy consistent with this decision will be disseminated in the near future. Please refer questions regarding this appeal to [rank, name, title] at [email address] or [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Office of Vessel Activities
By direction

Copy: [AREA]
[District]
[OCMI]
[Relevant NCOE]

C.1: INITIAL COMPANY LETTER TO OCMI

[Insert Date]

[Select OCMI or COTP¹]

U.S. Coast Guard Sector [insert unit name]

[Insert street address]

[Insert City, State, Zip]

Dear Captain [insert name],

SUBJECT: Request for Exemption from Requirements of [insert CFR cite]

1. [State what you are requesting exemption from and why. Include the specific CFR cite]
2. [Provide a detailed explanation on how the exemption applies to your vessel and does not pose a safety concern. Include any supporting documents as attachments if necessary. Supporting documents can be drawings, charts/maps, diagrams, survey reports, photographs, manufacturer information, etc. Also include any grace period desired]
3. [Provide contact information]

Sincerely,

[Insert name]

[Insert title]

¹ OCMI or COTP authority depends on the specific regulation in question.

C.2: OCM I LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



OCMI
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is in response to your letter dated [insert date] requesting exemption from the requirements of [insert CFR cite] regarding [insert subject of exemption].

After careful consideration of your request and facts of the issue, I have decided to [select one: grant, deny] your request for exemption. My decision is based on [insert justification].

{ If denied } If you feel aggrieved by this decision, you have the right to make an appeal to Commander, [number] Coast Guard District thru my office. If you should decide to move forward with this option, please let me know in writing within 30 days and I will forward your appeals request package to Commander, [number] District.

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection¹

Copy: [Relevant NCOE]

¹ This may be OCM I or COTP depending on the specific regulation in question.

C.3: OCMI MEMO TO DISTRICT

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]¹
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

MEMORANDUM

From: [Name]
[Unit Name]

Reply
to
Attn of:

To: Commander, [Number] Coast Guard District (dp)

Subj: REQUEST FOR EXEMPTION OF [insert CFR cite]

Ref: (a) [insert company exemption request letter]
(b) [insert relevant CFR cite, policy letter, etc]

1. [Insert company name] requests exemption from [insert CFR cite] on M/V [insert vessel name & official number]. In accordance with [insert CFR cite], this exemption is only granted by the District Commander.
2. [Provide background information on exemption request]
3. [Provide recommendation for approval or denial of exemption and justification]

#

Enclosure: (1) [Company's request for exemption letter and supporting documents]
(2) [Unit's response to company's letter]

Copy: [Relevant NCOE]

¹ This may be OCMI or COTP depending on the specific regulation in question.

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

MEMORANDUM

From: [Name]
[Unit Name]

Reply
to
Attn of:

To: Commandant (CG-5431)
Thru: Commander, [Number] Coast Guard District (dp)
Commander, [AREA] (3p)

Subj: REQUEST FOR EXEMPTION OF [insert CFR cite]

Ref: (a) [insert company exemption request letter]
(b) [insert relevant CFR cite, policy letter, etc]

1. [Insert company name] requests exemption from [insert CFR cite] on M/V [insert vessel name & official number]. In accordance with [insert CFR cite], this exemption is only granted by Commandant.
2. [Provide background information on exemption request]
3. [Provide recommendation for approval or denial of exemption and justification] ¹

#

Enclosure: (1) [Company's request for exemption letter and supporting documents]
(2) [Unit's response to company's letter]

Copy: [Relevant NCOE]

¹ This maybe OCMI or COTP depending on the specific regulation in question.

C.5: OCMI STATUS UPDATE LETTER TO COMPANY

U.S. Department of
Homeland Security



United States
Coast Guard

[OCMI or COTP]
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is to inform you of the status of your exemption request relating to [insert subject of exemption]. I have received your letter on [insert date], which was thoroughly reviewed and then forwarded with comments to [select one: District Commander; thru chain of command to Commandant] on [insert date]. In accordance with [insert CFR cite], this particular exemption can only be granted by the [select one: District Commander, Commandant].

Our comments include [insert summary of recommendation].

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection¹

¹ This may be OCMI or COTP depending on the specific regulation in question.

C.6: DISTRICT STATUS UPDATE LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



Commander (dp)
[Number] Coast Guard District
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is to inform you of the status of your exemption request relating to [insert subject of exemption]. I have received your request package from Sector [insert unit name] on [insert date]. It was thoroughly reviewed, endorsed [select one: with, without] comment and then forwarded to Commandant on [insert date] for final determination.

[Insert summary of comments if applicable].

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

C.7: DISTRICT LETTER TO COMPANY

U.S. Department of
Homeland Security



United States
Coast Guard

Commander (dp)
[Number] Coast Guard District
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is in response to your exemption request forwarded to me by Sector [insert unit name] requesting exemption from the requirements of [insert CFR cite] regarding [insert subject of exemption].

After careful consideration of your request and facts of the issue, I have decided to [select one: grant, deny] your request for exemption. My decision is based on [insert justification].

{ If denied } If you feel aggrieved by this decision, you have the right to make an appeal to the Commandant thru my office. If you should decide to move forward with this option, please let me know in writing within 30 days and I will forward your appeals request package to Commandant.

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

Copy: [Relevant NCOE]

(dp)
16711
[insert date]

FIRST ENDORSEMENT on Sector [insert unit] memo 16711 of [insert date]

From: [insert name]
CGD [insert number] (dp)

To: COMDT (CG-5431)
Thru: [AREA] (3p)

Subj: REQUEST FOR EXEMPTION OF [insert CFR cite]

1. [Insert endorsement]

#

Copy: [Sector]
[Relevant NCOE]

C.9: COMDT LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant (CG-543)
Office of Vessel Activities
United States Coast Guard

2100 2nd Street, S.W. Stop 7581
Washington, D.C. 20593-7581
Staff Symbol: CG-5431
Phone: (202) 372-1224
Fax: (202) 372-1921
Email: CG5431@uscg.mil

16711/Serial No. [#]

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This is in response to your request forwarded to me by Commander, [number] Coast Guard District regarding exemption from [insert CFR cite].

After careful consideration of your request and facts of the issue, I have decided to [*select one: grant, deny*] your request for exemption.

My decision is based on [*insert justification*].

This constitutes final agency action on this matter.

Policy consistent with this decision will be disseminated in the near future. Please refer questions regarding this appeal to [*rank, name, title*] at [*email address*] or [*phone number*].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Office of Vessel Activities
By direction

Copy: [AREA]
[District]
[Sector]
[Relevant NCOE]

D.1: INITIAL COMPANY LETTER TO OCMI

[Insert Date]

[Select OCMI or COTP¹]

U.S. Coast Guard Sector [insert name]

[Insert address]

[Insert City, State, Zip]

Dear Captain [insert name],

SUBJECT: Request for Equivalency of [insert CFR cite]

1. State what equivalency request is for and why you need it. Include the affected CFR cite. Also include why the existing configuration or equipment does not satisfy the regulation and why the equivalency is a better option.
2. Provide a detailed explanation on how/why the proposed equivalent measure provides equivalent or higher safety protection. If applicable, provide supporting documents as attachments. Supporting documents can be drawings, charts/maps, diagrams, survey reports, photographs, manufacturer information, etc. Also include grace period required to
3. Provide contact information.

Sincerely,

[Insert name]

[Insert title]

¹ OCMI or COTP authority depends on the specific regulation in question.

D.2: OCMI LETTER TO COMPANY UPDATING STATUS

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is to inform you of the status of your equivalency request relating to [insert subject of equivalency]. I have received your letter on [insert date], which was thoroughly reviewed and then forwarded with comments to Commandant thru Commander, [number] District on [insert date]. In accordance with [insert CFR cite], only the Commandant has the authority to grant equivalencies.

Our comments include [insert summary of comments].

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection¹

¹ This may be OCMI or COTP depending on the specific regulation in question.

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]¹
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

MEMORANDUM

From: [Name]
[Unit Name]

Reply
to
Attn of:

To: Commandant (CG-5431)
Thru: Commander, [Number] Coast Guard District (dp)
Commander, [AREA] (3p)

Subj: REQUEST FOR EQUIVALENCY OF [insert CFR cite]

Ref: (a) [insert company equivalency request letter]
(b) [insert relevant CFR cite, policy letter, etc]

1. [Insert company name] requests equivalency from [insert CFR cite] on M/V [insert vessel name & official number].
2. [Provide background information on equivalency request]
3. [Provide recommendation for approval or denial of equivalency and justification]

#

Enclosure: (1) [Company's request for equivalency letter and supporting documents]
(2) [Unit's response to company's letter]

Copy: [Relevant NCOE]

¹ This may be OCM I or COTP depending on the specific regulation in question.

D.4: DISTRICT ENDORSEMENT TO OCMI MEMO

(dp)
16711
[insert date]

FIRST ENDORSEMENT on Sector [insert unit] memo 16711 of [insert date]

From: [insert name]
CGD [insert number] (dp)

To: COMDT (CG-5431)
Thru: [AREA] (3p)

Subj: REQUEST FOR EQUIVALENCY OF [insert CFR cite]

1. [Insert endorsement]

#

Copy: [Sector]
[Relevant NCOE]

D.5: DISTRICT LETTER TO COMPANY UPDATING STATUS

U.S. Department of
Homeland Security



United States
Coast Guard

Commander (dp)
[Number] Coast Guard District
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is to inform you of the status of your request for equivalency relating to *[insert subject of equivalency]*. I have received your request package from Sector *[insert unit name]* on *[insert date]*. It was thoroughly reviewed, endorsed *[select one: with, without]* comment and then forwarded to Commandant on *[insert date]* for final determination.

[Insert summary of comments if applicable].

Should you have further questions, please do not hesitate to contact *[rank, name, title]* at *[phone number]*.

Sincerely,

[Name]
Captain, U.S. Coast Guard
Chief, Prevention Division
By direction

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant (CG-543)
Office of Vessel Activities
United States Coast Guard

2100 2nd St, S.W. Stop 7581
Washington, DC 20593-7581
Staff Symbol: CG-5431
Phone: (202) 372-1224
Fax: (202) 372-1921
Email: CG5431@uscg.mil

16711

MEMORANDUM

From: [Name]
COMDT (CG-5431)

Reply
to
Attn of:

To: CG Sector [unit name]

Subj: EQUIVALENCY REQUEST FOR [insert subject of request] ON [insert company name] VESSELS

Ref: (a) [insert Sector memo]
(b) [insert relevant CFR cite, policy letter, etc]

1. This memo is in response to reference (a), which we received on [insert date], with recommended actions in regard to [insert company name]'s request for an equivalency determination of their [insert subject of request]. In accordance with [insert CFR cite], Commandant has the authority to accept in substitution an alternative arrangement and grant an equivalency determination for cases such as this.
2. After careful consideration of your recommendations and consulting with [i.e. Life Saving and Fire Safety Division, etc], I have determined [insert determination].
3. Please notify [insert company name] of this decision. To assure consistent application of this equivalency, please amend any inspection results to reflect these new dates, scan and place a copy of this memorandum in the affected vessel's files, and record the equivalency as an inspection note in MISLE.
4. Questions concerning this determination may be directed to [insert name] at [insert phone number] or [insert email].

#

Copy: [AREA]
[District]
[Relevant NCOE]

D.7: OCMI LETTER TO COMPANY

U.S. Department of
Homeland Security

United States
Coast Guard



[OCMI or COTP]
U.S. Coast Guard
Sector [unit name]

[Street address]
[City, State, Zip]
Staff Symbol:
Phone:
Fax:
Email:

16711

[Company]
Attn: [Name]
[Street Address]
[City, State, Zip]

Dear [Name]:

This letter is to inform you of the Commandant's determination on your equivalency request regarding [insert subject of request]. Commandant has made the following determination [insert determination]. The determination was based on [insert justification].

Our files on your vessel(s) have been updated to reflect this information.

Should you have further questions, please do not hesitate to contact [rank, name, title] at [phone number].

Sincerely,

[Name]
Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection¹

¹ This may be OCMI or COTP depending on the specific regulation in question.