

§ 281.2

EXHIBIT D—EXAMPLES OF VESSEL TYPES CURRENTLY OPERATED

C3-S-33a	C4-S-49a	C6-S-1gc
C3-S-38a	C4-S1-49a	C6-S-1w
C3-S-43a	C4-S-57a	C6-S-1x
C3-S-46a	C4-S-58a	C6-S-1xa
C3-S-46b	C4-S-60a	C6-S-6gc
C3-S-73b	C4-S-64a	C6-S-85a
C3-S-76a	C4-S-64b	C6-S-85b
C4-S-1a	C4-S-65a	C7-S-68c,
C4-S-1l	C5-S-37e	d, and e
C4-S-1g	C5-S-37f	C8-S-81b
C4-S-1sa	C5-S-73b	C8-S-82d
C4-S-1t	C5-S-75a	C9-S-81d
C4-S-1u	C5-S-78a	
C4-S-19a	C6-S-1ga	

(Approved by the Office of Management and Budget under control number 2133-0009)

[G.O. 12, Rev., 14 FR 4785, Aug. 6, 1949, as amended by Supp. 2, Amdt. 1. 21 FR 328, Jan. 17, 1956; 33 FR 2944, Feb. 14, 1968; Supp. 3, Amdt. 3, 34 FR 13369, Aug. 19, 1969; 40 FR 7430, Feb. 20, 1975; 47 FR 25530, June 14, 1982]

§ 281.2 Definitions.

As used in §§ 281.2 through 281.6 of these regulations, except as otherwise indicated by the context;

(a) The word *operator* means an operator receiving operating-differential subsidy under title VI of the Merchant Marine Act, 1936, as amended (Act), for a voyage on an essential service as described in section 211(a) of the Act;

(b) The term *Maritime Administrator* means Maritime Administrator, Department of Transportation;

(c) The term *Region Director* means the Region Director of the Maritime Administration having jurisdiction over the port or ports involved;

(d) The term *idle status* means any period in port between or during voyages for which the vessel's normal crew complement is reduced by 10 percent or more and *division of wages* is not paid for the missing men. The idle status period shall continue up to, but not including, the day that the vessel is remanned to the extent that the vessel's normal crew complement is restored to more than 90 percent or *division of wages* is paid for the missing men, or the vessel is temporarily or permanently withdrawn from subsidized service;

(e) *Normal crew complement* means the basic crew complement which has been approved for operating-differential subsidy under the provisions of section 603 of the Act, or as established by collec-

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tive bargaining or other agreement for the voyage involved, whichever is less.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

§ 281.3 Method of commencing and terminating voyages and of determining idle status.

(a) *Voyage commencements.* Voyages shall commence as of 12:01 a.m. of the day that loading of cargo, stores, or fuel begins, or as of 12:01 a.m. of the day following the termination of the prior voyage or, in the event that an idle status period follows a voyage termination, as of 12:01 a.m. of the day following the day on which such idle status period ends.

(b) *Voyage termination.* Voyages shall terminate at a U.S. port of call at midnight of the day of completion of paying off the crew from foreign articles, or the completion of final discharge of cargo or ballast at the last U.S. port of discharge, or the completion of voyage repairs, whichever event occurs last: *Provided, however,* That if a vessel sails outward on a new voyage prior to midnight of the same day, the inward voyage shall terminate as of midnight of that day, and the outward voyage shall commence as of 12:01 a.m. of the succeeding day; and that where a portion of any particular voyage overlaps a portion of the next succeeding voyage and the quantity of inward cargo remaining aboard at the port at which major cargo activities for the outward voyage are begun does not, in the opinion of the operator, justify extension of the inward voyage beyond that port, the operator shall immediately request the Region Director for permission to treat the inward voyage as having terminated at midnight of the day specified in such request and shall advise the Region Director what cargo has been and is still to be discharged and loaded at each port of the inward voyage; and that where, in the opinion of the operator, voyages as a general practice should terminate at the home or terminal port rather than at the last port of discharge, or a voyage should terminate on the day prior to commencement of an idle status period, or on the day that the voyage would have terminated had strikes not interfered with normal operations, application for

such terminations may be made to the Region Director, and in such cases the voyage termination date shall be as approved by the Region Director. The Region Director shall promptly advise the operator of his determination approving or disapproving any request filed under this paragraph (b), and the Region Director's decision as to such termination shall prevail, provided that all terminations shall be as of midnight of the day specified.

(c) *Idle status periods.* Idle status periods shall be identified separately, whether occurring during or between voyages, and, if occurring during a voyage shall be identified with the applicable voyage number. A separate accounting period shall be created to cover each idle status period, and all such periods shall be reported to the Region Director.

(d) *Excessive delays.* Whenever a vessel is delayed in port for a period of 10 days or more in excess of its normal period of operations in said port, the operator immediately shall report said circumstances, together with all pertinent facts, to the Region Director. The Region Director shall determine whether or not said delay was justified and if operating costs for said period were reduced to a minimum in accordance with sound commercial practice.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

**§ 281.4 Treatment of subsidy during idle status and off-hire period.**

During an idle status period, subsidy shall be payable only for such subsidizable items of expenses as are determined by the Maritime Administrator, after presentation by the operator of the facts relating to such idle status period, to be necessary for the maintenance, preservation, repair, or husbanding of the vessel during and under the circumstances involved; however, the Maritime Subsidy Board reserves the right to suspend at any time the payment of subsidy on idle vessels when, after consideration of the facts and circumstances regarding such period, it determines that an unreasonable period has elapsed or such idle period was not warranted: *Provided*, That as to a chartered ship operated under a "Use Agreement", operating-differen-

tial subsidy shall cease to accrue to the ship simultaneously with the time it goes "off hire" and subsidy shall not again accrue to said ship until it is re-employed in the subsidized service as determined in accordance with § 281.3. Nothing herein shall limit any other rights of the United States with respect to the payment or nonpayment of subsidy.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

**§ 281.5 Right of Maritime Administrator to recover subsidy for any period of idleness.**

The Maritime Administrator may, prior to payment of subsidy for any voucher period which includes a period of idleness, require the operator to establish to the satisfaction of the Maritime Administrator that such period of idleness could not have been prevented in whole or in part through efficient and economical operation. The Maritime Administrator may recover any payment of subsidy for any item of expense allocable to such period of idleness which in the opinion of the Maritime Administrator could have been avoided by efficient and economical operation.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

**§ 281.6 Interpretation.**

All questions of interpretation arising under the sections of this part shall be submitted to the Maritime Administrator for determination, whose decision thereon shall be final.

[G.O. 27, Rev. 2, 37 FR 18466, Sept. 12, 1972]

**PART 282—OPERATING-DIFFERENTIAL SUBSIDY FOR LINER VESSELS ENGAGED IN ESSENTIAL SERVICES IN THE FOREIGN COMMERCE OF THE UNITED STATES**

**Subpart A—Introduction**

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282.1 Purpose.  
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282.3 Waivers.

**Subpart B—Foreign-Flag Competition**

- 282.10 Basis for determining foreign-flag competition.