

FILED

December 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-30252
Summary Calendar

TWENTY GRAND OFFSHORE, INC.,

Plaintiff-Counter Defendant-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Counter Claimant-Appellee.

Appeal from the United States District Court for
the Western District of Louisiana
(USDC No. 02-CV-1981)

Before REAVLEY, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

The district court correctly upheld the Coast Guard Commandant's decision as his interpretation of 46 C.F.R § 4.05-10(b) was not arbitrary or capricious. See Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416, 91 S. Ct. 814, 823-24 (1971). It

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

was not arbitrary or capricious to decide that a three-day delay of the written report failed to meet the “without delay” requirement of the statute if the written report is to satisfy the immediate notice requirement in 46 C.F.R. § 4.05-1(a). AFFIRMED.