

Coast Guard, DHS

§ 19.01

the terms and conditions of any particular gift, devise, or bequest.

[CGFR 61-36, 26 FR 9321, Oct. 3, 1961]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS¹

Sec.

- 19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.
- 19.04 Vessels requisitioned by the United States for emergency evacuation.
- 19.06 Vessels operated by or chartered to Military Sealift Command.
- 19.07 Chronological record of seaman's previous employment.
- 19.15 Permits for commercial vessels handling explosives at military installations.

AUTHORITY: Sec. 1, 64 Stat. 1120, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. note prec. 1, 49 U.S.C. 108; Department of Homeland Security Delegation No. 0170.1.

§ 19.01 Procedures for effecting individual waivers of navigation and vessel inspection laws and regulations.

(a) It is hereby found necessary in the interest of national defense to waive compliance with the navigation and vessel inspection laws administered by the Coast Guard, as well as the regulations issued thereunder and contained in 46 CFR Chapter I or in this chapter, to the extent and in the manner and upon the terms and conditions as set forth in this section.

(b) An application requesting that a waiver be made effective with respect to a particular vessel may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph (d) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any port or place of the Canal Zone or in any foreign port or place, the application shall be made to the designated

representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established. Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the interest of national defense and, an outline of the facts upon which such certification is based. The Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to the Commandant. In any case in which it appears to the Coast Guard officer concerned that reference of the application to the Commandant for action would not delay the sailing of the vessel or otherwise be contrary to the interest of national defense, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that the urgency of the situation outweighs the marine hazard involved, then such waiver shall be made effective in regard to such vessel to the extent and under the circumstances specified by him.

(c) The Coast Guard officer making such a waiver effective pursuant to paragraph (b) of this section shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws (also regulations, if any) with respect to which the waiver is effective, the extent to which compliance with such laws (also regulations, if any) is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the order is not delivered to the master, it shall be delivered to the owner, operator, or

¹ Also codified as 46 CFR part 6.

§ 19.04

agent of the vessel without delay. One copy of the order shall be transmitted to the Commandant and the remaining copy kept on file.

(d) In any case of extreme urgency the application for a waiver may be made orally and if the Coast Guard District Commander (or his designated representative or the designated representative of the Commandant, as the case may be) reaches the conclusion referred to in paragraph (b) of this section, the waiver shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

(e) No penalty shall be imposed because of failure to comply with any provision of law (or regulation, if any), the waiver of which has been made effective pursuant to the requirements in this section.

[CGFR 51-10, 16 FR 1959, Mar. 1, 1951]

§ 19.04 Vessels requisitioned by the United States for emergency evacuation.

Pursuant to the request of the Acting Secretary of Defense, dated November 21, 1951, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950, compliance is hereby waived with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in this chapter, to the extent necessary to permit the operation of vessels which might be requisitioned by the United States for the purpose of emergency evacuation.

[CGFR 51-61, 16 FR 12792, Dec. 20, 1951]

§ 19.06 Vessels operated by or chartered to Military Sealift Command.

(a) Pursuant to the request of the Deputy Secretary of Defense, dated August 6, 1958, and to the request of the Assistant Secretary of Defense, Installations and Logistics, dated May 23, 1964, made under the provisions of section 1 of Pub. L. 891, 81st Congress, approved December 27, 1950 (64 Stat. 1120;

33 CFR Ch. I (7-1-25 Edition)

46 U.S.C., note preceding section 1), and their findings that a waiver is necessary in the interest of national defense, compliance with the provisions of the navigation and vessel inspection laws administered by the United States Coast Guard, as well as the regulations issued thereunder and contained in 33 CFR Chapter I, or in this chapter, is hereby waived to the extent and upon the terms and conditions as set forth in this section, in order to permit vessels operated by or chartered to the Military Sealift Command to carry out their assigned missions.

(b) An application requesting that this waiver be made effective with respect to a particular vessel may be made by the Commander, Military Sealift Command, or any one of his duly designated representatives. Except as provided in paragraph (e) of this section, the application shall be in writing. The application shall be delivered to the Coast Guard District Commander or to his designated representative at the port or place where the vessel is located. In the case of a vessel in any foreign port or place, the application shall be made to the designated representative of the Commandant at such port or place, or if the Coast Guard has not established facilities in such port or place, to the nearest designated representative of the Commandant at a port or place where such facilities have been established, or to the Commandant (CG-CVC), Attn: Office of Commercial Vessel Compliance, U.S. Coast Guard Stop 7501, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7501. Every application shall:

(1) Describe the laws and/or regulations by appropriate references and/or subjects with respect to which the waiver of compliance is desired;

(2) Contain a certification that the waiver of compliance with such laws and/or regulations with respect to the vessel involved is necessary in the interest of national defense and is necessary for the Military Sealift Command to carry out an assigned mission;

(3) The name and official number of the vessel involved (including the names of master, agent, and owner of the vessel involved); and

(4) For how long the waiver is needed.

Coast Guard, DHS

§ 19.15

(c) The Coast Guard officer making the waiver in paragraph (a) of this section effective for a particular vessel shall immediately prepare, in quadruplicate, an order setting forth:

(1) The name and official number of the vessel involved;

(2) The laws and/or regulations with respect to which the waiver is effective;

(3) The extent to which compliance with such laws and/or regulations is waived; and

(4) The period for which the waiver shall be effective.

(d) If practicable, one copy of this waiver order shall be delivered to the master of the vessel involved before such vessel sails. In any case where the waiver order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the waiver order shall be delivered to the Commander, Military Sealift Command, or his duly designated representative, who submitted the application. One copy of the waiver order shall be transmitted to the Commandant (CG-CVC) and the remaining copy kept on file.

(e) In any case of extreme urgency, the application for a waiver order may be made orally and if the Coast Guard District Commander (or his designated representative, or the designated representative of the Commandant, or the Commandant, as the case may be), determines that the conditions in this section have been met, the waiver order shall be made effective without further delay, subject to the condition that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the confirming written waiver order.

(f) No penalty shall be imposed because of failure to comply with any provision of law and/or regulation, the waiver of which has been made effective pursuant to the requirements of this section.

(g) This waiver order shall remain in effect until terminated by proper au-

thority and notice of cancellation is published in the FEDERAL REGISTER.

[CGFR 64-86, 30 FR 88, Jan. 6, 1965, as amended by CGD 88-052, 53 FR 25119, July 1, 1988; CGD 96-026, 61 FR 33662, June 28, 1996; USCG-2004-18057, 69 FR 34925, June 23, 2004; USCG-2010-0351, 75 FR 36278, June 25, 2010; USCG-2014-0410, 79 FR 38427, July 7, 2014]

§ 19.07 Chronological record of seaman's previous employment.

(a) Compliance is hereby waived with regard to the provisions of subsection (h) of R.S. 4551, as amended (46 U.S.C. 643), to the extent necessary to permit the Commandant of the United States Coast Guard to issue a chronological record of a seaman's previous employment on a single document, in lieu of making individual entry in a duplicate continuous discharge book or furnishing individual certificates of discharge.

(b) It is hereby found that the waiving of the provisions of R.S. 4551(h), as amended (46 U.S.C. 643), is necessary in the interest of national defense.

[CGFR 51-9, 16 FR 1829, Feb. 27, 1951, as amended by CGFR 59-4a, 24 FR 3055, Apr. 21, 1959]

CROSS REFERENCE: See 49 CFR 7.93 for the fee for this record.

§ 19.15 Permits for commercial vessels handling explosives at military installations.

Pursuant to the request of the Secretary of Defense in a letter dated October 19, 1955, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U.S.C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of R.S. 4472, as amended (46 U.S.C. 170), and the regulations promulgated thereunder in part 146 of this chapter to the extent that no quantitative restrictions, based on considerations of isolation and remoteness, shall be required by the Coast Guard for commercial vessels loading or unloading explosives at the Department of Defense waterfront installations. This waiver shall not relieve a commercial vessel loading or unloading explosives at the Department of Defense waterfront installations from the requirement of securing a permit from

Pt. 20

the Coast Guard for such operations with respect to quantitative or other restrictions imposed by the Coast Guard on the basis of each vessel's ability to meet prescribed stowage and handling requirements.

[CGFR 55-49, 20 FR 8638, Nov. 23, 1955]

**PART 20—RULES OF PRACTICE,
PROCEDURE, AND EVIDENCE
FOR FORMAL ADMINISTRATIVE
PROCEEDINGS OF THE COAST
GUARD**

Subpart A—General

Sec.

- 20.101 Scope.
- 20.102 Definitions.
- 20.103 Construction and waiver of rules.

Subpart B—Administrative Law Judges

- 20.201 Assignment.
- 20.202 Powers.
- 20.203 Unavailability.
- 20.204 Withdrawal or disqualification.
- 20.205 Ex parte communications.
- 20.206 Separation of functions.

Subpart C—Pleadings and Motions

- 20.301 Representation.
- 20.302 Filing of documents and other materials.
- 20.303 Form and content of filed documents.
- 20.304 Service of documents.
- 20.305 Amendment or supplementation of filed documents.
- 20.306 Computation of time.
- 20.307 Complaints.
- 20.308 Answers.
- 20.309 Motions.
- 20.310 Default by respondent.
- 20.311 Withdrawal or dismissal.

Subpart D—Proceedings

- 20.401 Initiation of administrative proceedings.
- 20.402 Public notice.
- 20.403 Consolidation and severance.
- 20.404 Interested persons.

Subpart E—Conferences and Settlements

- 20.501 Conferences.
- 20.502 Settlements.

Subpart F—Discovery

- 20.601 General.
- 20.602 Amendatory or supplementary responses.
- 20.603 Interrogatories.

33 CFR Ch. I (7-1-25 Edition)

- 20.604 Requests for production of documents or things, for inspection or other purposes.
- 20.605 Depositions.
- 20.606 Protective orders.
- 20.607 Sanctions for failure to comply.
- 20.608 Subpoenas.
- 20.609 Motions to quash or modify.

Subpart G—Hearings

- 20.701 Standard of proof.
- 20.702 Burden of proof.
- 20.703 Presumptions.
- 20.704 Scheduling and notice of hearings.
- 20.705 Failure to appear.
- 20.706 Witnesses.
- 20.707 Telephonic testimony.
- 20.708 Witnesses' fees.
- 20.709 Closing of the record.
- 20.710 Proposed findings, closing arguments, and briefs.

Subpart H—Evidence

- 20.801 General.
- 20.802 Admissibility of evidence.
- 20.803 Hearsay evidence.
- 20.804 Objections and offers of proof.
- 20.805 Proprietary information.
- 20.806 Official notice.
- 20.807 Exhibits and documents.
- 20.808 Written testimony.
- 20.809 Stipulations.

Subpart I—Decisions

- 20.901 Summary decisions.
- 20.902 Decisions of the ALJ.
- 20.903 Records of proceedings.
- 20.904 Reopening.

Subpart J—Appeals

- 20.1001 General.
- 20.1002 Records on appeal.
- 20.1003 Procedures for appeal.
- 20.1004 Decisions on appeal.

**Subpart K—Finality, Petitions for Hearing,
and Availability of Orders**

- 20.1101 Finality.
- 20.1102 Petitions to set aside decisions and provide hearings for civil penalty proceedings.
- 20.1103 Availability of decisions.

Subpart L—Expedited Hearings

- 20.1201 Application.
- 20.1202 Filing of pleadings.
- 20.1203 Commencement of expedited hearings.
- 20.1205 Motion for return of temporarily suspended merchant mariner credential, license, certificate of registry, or document.