

QUESTION: When is a CG4260 (explosive event waiver) required to support a port-vessel ammo operation for the following situations:

a. @Military Port:

- (1) Military owned vessel (combatant or non-combatant)
- (2) Military-chartered vessel
- (3) Commercial vessel

b. @Commercial Port:

- (1) Military-owned vessel (combatant or non-combatant)
- (2) Military-chartered vessel
- (3) Commercial vessel

ANSWER:

Please be aware that the CG-4260 is not a waiver. It is the "APPLICATION AND PERMIT TO HANDLE HAZARDOUS MATERIALS" and does not waive any regulations in the 49 Code of Federal Regulations (CFR). Waivers are a separate letter attached to the permit, requesting to be waived from specific CFR cites, and to include specific plan to meet the intent of those regulations, and is addressed to the Captain of the Port (COTP) submitted thru us. The CG-4260 is required by 49CFR176.100 (<http://www.gpo.gov/fdsys/pkg/CFR-2014-title49-vol2/pdf/CFR-2014-title49-vol2-sec176-100.pdf>) and is required whenever 1.1, 1.2 explosives is moved within the COTP zone (military or civilian).

a. @Military Port:

(1) **Military owned vessel (combatant or non-combatant)** - We have no authority over military vessels on military bases, unless a supervisory detail is requested by the CO of that base.

(2) **Military-chartered vessel** - If the vessel has a Certificate of Inspection or is inspected (foreign flagged) by the CG, we have authority over that vessel IAW with US and International regulations. If the CO of the military base refuses our supervisory detail as required by 49CFR176.102, then the CO of the base shall ensure that all applicable parts of 49CFR are followed.

<http://www.gpo.gov/fdsys/pkg/CFR-2014-title49-vol2/pdf/CFR-2014-title49-vol2-sec176-100.pdf>

(3) **Commercial vessel** - Same as above.

b. **@Commercial Port:**

(1) **Military-owned vessel (combatant or non-combatant)**

(2) **Military-chartered vessel**

(3) **Commercial vessel**

All three circumstances listed for Commercial Port would require a CG-4260 per 49 CFR 176.100. The location that the vessel moors to would also have to comply with 49 CFR 176.4(b), aka be a facility of a particular hazard.