



U.S. Department
of Transportation
**Maritime
Administration**

MANUAL OF ORDERS

MARITIME ADMINISTRATIVE ORDER

REVOKES

NO.

800-9

EFFECTIVE DATE

July 25, 1985

SUBJECT

**PRIORITY USE AND ALLOCATION OF SHIPPING SERVICES,
CONTAINERS, AND PORT FACILITIES AND SERVICES FOR NATIONAL
SECURITY AND NATIONAL DEFENSE RELATED OPERATIONS**

Section 1. Purpose

This order assigns responsibilities and prescribes procedures for the issuance by the Maritime Administration of orders directing the priority use and/or exclusive allocation of commercial vessels, containers, and port facilities to defense agencies.

Section 2. Authorities

2.01 Title I of the Defense Production Act, 1950, as amended, (DPA), authorizes the President to require that performance under contracts or orders (other than contracts of employment), which the President deems necessary or appropriate to promote the national defense, shall take priority over performance under any other contract or order. The DPA also authorizes the President to allocate materials and facilities in such manner, upon such conditions, and to such extent as the President deems necessary to promote the national defense.

2.02 Title 44 CFR 322.3(b) delegates to the Secretary of Transportation the functions conferred upon the Director of the Federal Emergency Management Agency under Title I of the DPA with respect to civil transportation services.

2.03 Title 46 CFR Part 340 establishes procedures under which a defense agency may request and the Maritime Administrator may direct that defense agencies be given priority use and/or exclusive allocation of commercial shipping services, containers, and port services and facilities.

Section 3. General

3.01 Use of the authority granted by Title I of the DPA, which has been delegated to the Secretary of Transportation, requires the prior approval of the Secretary.

3.02 The procedures set out in 46 CFR Part 340 may be used in connection with deployment of the Armed Forces of the United States or other requirements of the national defense. Standby orders may be requested and issued to affected agencies for planning purposes.

3.03 Requests for priority use or allocation of resources under 46 CFR Part 340 are submitted to the Secretary of Transportation, who may refer the requests, along with appropriate guidance, to the Maritime Administrator. However, during periods of Presidentially-declared national defense emergencies, defense agencies submit requests directly to the Maritime Administrator.

Section 4. Responsibilities

4.01 The Maritime Administrator or, when applicable, the Director, National Shipping Authority (NSA), shall issue NSA Service Priority Orders (NSPOs) and NSA Allocation Orders (NAOs) directing priority use or exclusive allocation of vessels, containers, or port facilities.

4.02 With respect to their specific areas of responsibility, the Associate Administrator for Shipbuilding, Operations and Research and the Associate Administrator for Marketing and Domestic Enterprise are authorized to issue "Planning Orders" as set forth in Section 5 below.

4.03 The Director, National Shipping Authority, will coordinate MARAD actions under 46 CFR Part 340 during periods of national emergency and war. At other times, the Associate Administrator for Policy and International Affairs will serve as Program Coordinator responsible for:

1. ensuring that the Secretary has authorized use of priority and allocation authority before NSPOs and NAOs are issued, including ensuring the appropriate Secretarial review prior to the issuance of Planning Orders under Section 5 below;

2. referring defense agency requests through the appropriate Associate Administrator to responsible action offices (see 4.04 below);

3. assisting action offices in development and coordination of classified justifications for requirements;

4. ensuring that actions transmitted for the Administrator's signature comply with the provisions of 46 CFR Part 340 and other applicable instructions; and,

5. ensuring that FEMA is notified of MARAD's intention to issue a directive requiring the priority use or exclusive allocation of vessels, containers, or port facilities.

4.04 Upon receipt of a request under 46 CFR Part 340, The Office of Port and Intermodal Development, with respect to containers and port facilities and services, and the Office of Ship Operations with respect to vessels and vessel services, shall:

1. coordinate with vessel operators, container suppliers, or port authorities to identify vessels, equipment, and facilities to meet requirements specified by defense agencies;
2. when resources are required for movement of hazardous or other special cargo, ensure that the Commandant of the Coast Guard and others concerned with hazardous materials are notified and that the views of all concerned agencies and interests are obtained and reflected, as practicable, in actions taken;
3. for each defense agency request expected to result in the issuance of an NSPO or NAO, prepare for the Administrator's signature a finding in accordance with 46 CFR 340.3(d) that the requested action is necessary to meet the requirements of the national defense and is the most effective way to do so;
4. prepare NSPOs, NAOs, and Planning Orders, as appropriate, coordinate the findings and the orders with concerned agencies, as necessary, and forward them, through the Program Coordinator, for signature pursuant to 4.01 and 4.02 above.
5. ensure that affected operators, defense agencies concerned, and other interested agencies are notified promptly when NSPOs or NAOs are signed and issued.

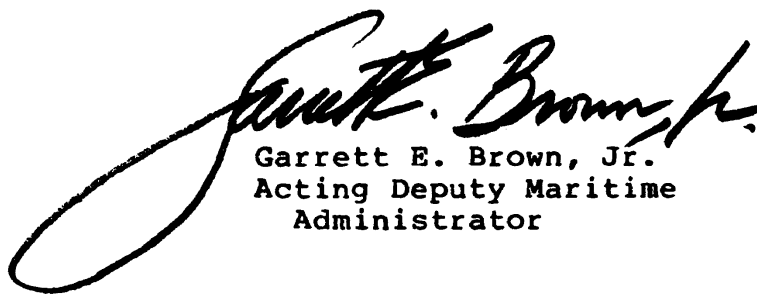
Section 5. Planning Orders

When a defense agency requests that tentative arrangements for priority use or allocation of resources be made for planning purposes to meet anticipated defense requirements, the request will be processed and coordinated as prescribed above, except:

1. Orders issued to confirm such arrangements will be identified as PLANNING ORDERS and will be marked with a statement to the following effect:

NO ACTION WILL BE TAKEN TO GIVE EFFECT TO THESE ARRANGEMENTS UNTIL AN NSPO/NAO IS ISSUED IN RESPONSE TO A REQUEST BY THE DEFENSE AGENCY IN ACCORDANCE WITH 46 CFR PART 340 AT THE TIME THE SERVICES/EQUIPMENT/FACILITIES ARE REQUIRED.

2. Such Planning Orders will be prepared for the signature of the Associate Administrator for Shipbuilding, Operations and Research or the Associate Administrator for Marketing and Domestic Enterprise, as appropriate, following the signature element format prescribed in Maritime Administrative Orders 70-1 and 80-1.



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Administrator