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AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.53.

Subpart A—General

§ 176.1 Purpose and scope.

This part prescribes requirements in addition to those contained in parts 171, 172, and 173 of this subchapter to be observed with respect to the transportation of hazardous materials by vessel.

§ 176.2 Definitions.

As used in this part—

Cantline means the v-shaped groove between two abutting, parallel horizontal cylinders.

Cargo net means a net made of fiber or wire used to provide convenience in handling loose or packaged cargo to and from a vessel.

Cargo transport unit means a transport vehicle, a freight container, a portable tank or a multiple element gas container (MEGC). A *closed cargo transport unit* means a cargo transport unit in which the contents are totally enclosed by permanent structures. An *open cargo transport unit* means a cargo transport unit that is not a closed cargo transport unit. Cargo transport units with fabric sides or tops are not closed cargo transport units for the purposes of this part.

Clear of living quarters means that the hazardous material must be located so that in the event of release of the material, leakage or vapors will not penetrate accommodations, machinery spaces or other work areas by means of entrances or other openings in bulkheads or ventilation ducts.

Closed freight container means a freight container which totally encloses its contents by permanent structures. A freight container formed partly by a tarpaulin, plastic sheet, or similar material is not a closed freight container.

Commandant (CG–522), USCG means the Chief, Office of Operating and Environmental Standards, United States Coast Guard, Washington, DC 20593–0001.

Compartment means any space on a vessel that is enclosed by the vessel's decks and its sides or permanent steel bulkheads.

CSC safety approval plate means the safety approval plate specified in Annex I of the International Convention for Safe Containers (1972) and conforming to the specifications in 49 CFR 451.23 and 451.25. The plate is evidence that a freight container was designed, constructed, and tested under international rules incorporated into U.S. regulations in 49 CFR parts 450 through 453. The plate is found in the door area of the container.

Deck structure means a structure of substantial weight and size located on the weather deck of a vessel and integral with the deck. This term includes superstructures, deck houses, mast houses, and bridge structures.

Draft means a load or combination of loads capable of being hoisted into or out of a vessel in a single lift.

Dunnage means lumber of not less than 25 mm (0.98 inch) commercial thickness or equivalent material laid over or against structures such as tank tops, decks, bulkheads, frames, plating, or ladders, or used for filling voids or fitting around cargo, to prevent damage during transportation.

Explosives anchorage means an anchorage so designated under 33 CFR part 110, subpart B.

Explosive article means an article or device that contains one or more explosive substances. Individual explosive substances are identified in column 17 of the Dangerous Goods List in the IMDG Code (IBR, see §171.7 of this subchapter).

Explosives handling facility means—

(1) A ''designated waterfront facility'' designated under 33 CFR part 126 when loading, handling, and unloading Class 1 (explosives) materials; or

(2) A facility for loading, unloading, and handling military Class 1 (explosives) materials which is operated or controlled by an agency of the Department of Defense.

Explosive substance means a solid or liquid material, or a mixture of materials, which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to its surroundings. Individual explosive substances are identified in column 17 of the Dangerous Goods List in the IMDG Code.

Handling means the operation of loading and unloading a vessel; transfer to, from, or within a vessel, and any ancillary operations.

Hold means a compartment below deck that is used exclusively for the carriage of cargo.

In containers or the like means any clean, substantial, weatherproof box structure which can be secured to the vessel's structure, including a portable magazine or a closed cargo transport

unit. Whenever this stowage is specified, stowage in deckhouses, mast lockers and oversized weatherproof packages (overpacks) is also acceptable.

Incompatible materials means two materials whose stowage together may result in undue hazards in the case of leakage, spillage, or other accident.

INF cargo means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes as those terms are defined in the ''International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships'' (INF Code) contained in the IMDG Code.

Landing mat means a shock absorbing pad used in loading Class 1 (explosive) materials on vessels.

Machinery Spaces of Category A are those spaces, and trunks to such spaces, which contain:

(1) Internal combustion machinery used for main propulsion:

(2) Internal combustion machinery used for purposes other than main propulsion where such machinery has in the aggregate a total power output of not less than 375 kw; or

(3) any oil-fired boiler or fuel unit.

Magazine means an enclosure designed to protect certain goods of Class 1 (explosive) materials from damage by other cargo and adverse weather conditions during loading, unloading, and when in transit; and to prevent unauthorized access. A magazine may be a fixed structure or compartment in the vessel, a closed freight container, a closed transport vehicle, or a portable magazine. Magazines may be positioned in any part of the ship conforming with the relevant provisions for Class 1 (explosive) materials contained in Subpart G of this part provided that magazines which are fixed structures are sited so that their doors, where fitted, are easily accessible.

Master of the Vessel, as used in this part, includes the person in charge of an unmanned vessel or barge.

Open freight container means a freight container that does not totally enclose its contents by permanent structures.

Overstowed means a package or container is stowed directly on top of another. However, with regard to Class 1 (explosive) stowage, such goods may themselves be stacked to a safe level but other goods should not be stowed directly on top of them.

Pallet means a portable platform for stowing, handling, and moving cargo.

Palletized unit means packages or unpackaged objects stacked on a pallet, banded and secured to the pallet by metal, fabric, or plastic straps for the purpose of handling as a single unit.

Pie plate means a round, oval, or hexagonal pallet without sideboards, used in conjunction with a cargo net to handle loose cargo on board a vessel.

Portable magazine means a strong, closed, prefabricated, steel or wooden, closed box or container, other than a freight container, designed and used to handle Class 1 (explosive) materials either by hand or mechanical means.

Readily combustible material means a material which may or may not be classed as a hazardous material but which is easily ignited and supports combustion. Examples of readily combustible materials include wood, paper, straw, vegetable fibers, products made from such materials, coal, lubricants, and oils. This definition does not apply to packaging material or dunnage.

Responsible person means a person empowered by the master of the vessel to make all decisions relating to his or her specific task, and having the necessary knowledge and experience for that purpose.

Safe working load means the maximum gross weight that cargo handling equipment is approved to lift.

Skilled person means a person having the knowledge and experience to perform a certain duty.

Skipboard means a square or rectangular pallet without sideboards, usually used in conjunction with a cargo net to handle loose cargo on board a vessel.

Splice as used in §176.172 of this part, means any repair of a freight container main structural member which replaces material, other than complete replacement of the member.

Tray means a type of pallet constructed to specific dimensions for handling a particular load.

[Amdt. 176–30, 55 FR 52687, Dec. 21, 1990, as amended at 66 FR 8647, Feb. 1, 2001; 66 FR 33438, June 21, 2001; 66 FR 45184, Aug. 28, 2001; 67 FR 61015, Sept. 27, 2002; 68 FR 75747, 75748, Dec. 31, 2003; 69 FR 76179, Dec. 20, 2004; 73 FR 57006, Oct. 1, 2008; 74 FR 2268, Jan. 14, 2009; 76 FR 3384, Jan. 19, 2011]

§ 176.3 Unacceptable hazardous materials shipments.

(a) A carrier may not transport by vessel any shipment of a hazardous material that is not prepared for transportation in accordance with parts 172 and 173 of this subchapter, or as authorized by subpart C of part 171 of this subchapter.

(b) A carrier may not transport by vessel any explosive or explosive composition described in §173.54 of this subchapter.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–30, 55 FR 52688, Dec. 21, 1990; 74 FR 2268, Jan. 14, 2009]

§ 176.4 Port security and safety regulations.

(a) Each carrier, master, agent, and charterer of a vessel and all other persons engaged in handling hazardous materials on board vessels shall comply with the applicable provisions of 33 CFR parts 6, 109, 110, 125, 126, and 160.

(b) Division 1.1 and 1.2 (explosive) materials may only be loaded on and unloaded from a vessel at—

(1) A facility of particular hazard as defined in 33 CFR 126.05(b);

(2) An explosives anchorage listed in 33 CFR part 110; or

(3) A facility operated or controlled by the Department of Defense.

(c) With the concurrence of the COTP, Division 1.1 and 1.2 (explosive) materials may be loaded on or unloaded from a vessel in any location acceptable to the COTP.

[Amdt. 176–30, 55 FR 52688, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.5 Application to vessels.

(a) Except as provided in paragraph (b) of this section, this subchapter applies to each domestic or foreign vessel when in the navigable waters of the United States, regardless of its character, tonnage, size, or service, and whether self-propelled or not, whether arriving or departing, underway, moored, anchored, aground, or while in dry dock.

(b) This subchapter does not apply to:

(1) A public vessel not engaged in commercial service;

(2) A vessel constructed or converted for the principal purpose of carrying flammable or combustible liquid cargo in bulk in its own tanks, when only carrying these liquid cargoes;

(3) A vessel of 15 gross tons or smaller when not engaged in carrying passengers for hire;

(4) A vessel used exclusively for pleasure;

(5) A vessel of 500 gross tons or smaller when engaged in fisheries;

(6) A tug or towing vessel, except when towing another vessel having Class 1 (explosive) materials, Class 3 (flammable liquids), or Division 2.1 (flammable gas) materials, in which case the owner/operator of the tug or towing vessel shall make such provisions to guard against and extinguish fire as the Coast Guard may prescribe;

(7) A cable vessel, dredge, elevator vessel, fireboat, icebreaker, pile driver, pilot boat, welding vessel, salvage vessel, or wrecking vessel; or

(8) A foreign vessel transiting the territorial sea of the United States without entering the internal waters of the United States, if all hazardous materials being carried on board are being carried in accordance with the requirements of the IMDG Code (IBR, see §171.7 of this subchapter).

(c) [Reserved]

(d) Except for transportation in bulk packagings (as defined in §171.8 of this subchapter), the bulk carriage of hazardous materials by water is governed by 46 CFR chapter I, subchapters D, I, N and O.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176–14, 47 FR 44471, Oct. 7, 1982; Amdt. 176–24, 51 FR 5974, Feb. 18, 1986; Amdt. 176–30, 55 FR 52688, Dec. 21, 1990; 56 FR 66281, Dec. 20, 1991; Amdt. 176–34, 58 FR 51533, Oct. 1, 1993; 66 FR 8647, Feb. 1, 2001; 68 FR 75747, Dec. 31, 2003]

§ 176.7 Documentation for vessel personnel.

Each owner, operator, master, agent, person in charge, and charterer must ensure that vessel personnel required to have a license, certificate of registry, or merchant mariner's document by 46 CFR parts 10 and 12 possess a license, certificate or document, as appropriate.

[68 FR 23842, May 5, 2003]

§ 176.9 "Order-Notify" or "C.O.D." shipments.

A carrier may not transport Division 1.1 or 1.2 (explosive) materials, detonators, or boosters with detonators which are:

(a) Consigned to ''order-notify'' or ''C.O.D.'', except on a through bill of lading to a place outside the United States; or

(b) Consigned by the shipper to himself unless he has a resident representative to receive the shipment at the port of discharge.

[Amdt. 176–30, 55 FR 52688, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.11 Exceptions.

(a) A hazardous material may be offered and accepted for transport by vessel when in conformance with the IMDG Code (IBR, see § 171.7 of this subchapter), subject to the conditions and limitations set forth in subpart C of part 171 of this subchapter.The requirements of §§ 176.83, 176.84, and 176.112 through 176.174 are not applicable to shipments of Class 1 (explosive) materials made in accordance with the IMDG Code. A hazardous material which conforms to the provisions of this paragraph (a) is not subject to the requirement specified in § 172.201(d) of this subchapter for an emergency response telephone number, when transportation of the hazardous material originates and terminates outside the United States and the hazardous material—

(1) Is not offloaded from the vessel; or

(2) Is offloaded between ocean vessels at a U.S. port facility without being transported by public highway.

(b) Canadian shipments and packages may be transported by vessel if they are transported in accordance with this subchapter. (See subparts B and C of part 171 of this subchapter.)

(c) The requirements of this subchapter governing the transportation of combustible liquids do not apply to the transportation of combustible liquids in non-bulk (see definitions in § 171.8 of this subchapter) packages on board vessels.

(d) Transport vehicles, containing hazardous materials loaded in accordance with specific requirements of this subchapter applicable to such vehicles, may be transported on board a ferry vessel or carfloat, subject to the applicable requirements specified in §§ 176.76, 176.100, and subpart E of this part.

(e) Hazardous materials classed and shipped as ORM-D are not subject to the requirements of this part unless they are offered for transporation as hazardous wastes.

(f) Paragraph (a) of this section does not apply to hazardous materials, including certain hazardous wastes and hazardous substances as defined in § 171.8 of this subchapter, which are not subject to the requirements of the IMDG Code.

(g) The requirements of this subchapter do not apply to atmospheric gases used in a refrigeration system.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 176.11, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 176.13 Responsibility for compliance and training.

(a) Unless this subchapter specifically provides that another person shall perform a particular duty, each carrier shall perform the duties specified and comply with all applicable requirements in this part and shall ensure its hazmat employees receive training in relation thereto.

(b) A carrier may not transport a hazardous material by vessel unless each of its hazmat employees involved in that transportation is trained as required by subpart H of part 172 of this subchapter.

(c) The record of training required by § 172.704(d) of this subchapter for a crewmember who is a hazmat employee

subject to the training requirements of this subchapter must be kept on board the vessel while the crewmember is in service on board the vessel.

[Amdt. 176–31, 57 FR 20954, May 15, 1992, as amended by Amdt. 176–35, 59 FR 49134, Sept. 26, 1994]

§ 176.15 Enforcement.

(a) An enforcement officer of the U.S. Coast Guard may at any time and at any place, within the jurisdiction of the United States, board any vessel for the purpose of enforcement of this subchapter and inspect any shipment of hazardous materials as defined in this subchapter.

(b) [Reserved]

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176–24, 51 FR 5974, Feb. 18, 1986]

§ 176.18 Assignment and certification.

(a) The National Cargo Bureau, Inc., is authorized to assist the Coast Guard in administering this subchapter with respect to the following:

(1) Inspection of vessels for suitability for loading hazardous materials;

(2) Examination of stowage of hazardous materials;

(3) Making recommendations for stowage requirements of hazardous materials cargo; and

(4) Issuance of certificates of loading setting forth that the stowage of hazardous materials is in accordance with the requirements of this subchapter.

(b) A certificate of loading issued by the National Cargo Bureau, Inc., may be accepted by the Coast Guard as prima facie evidence that the cargo is stowed in conformity with the requirements of this subchapter.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–24, 51 FR 5974, Feb. 18, 1986]

Subpart B—General Operating Requirements

§ 176.24 Shipping papers.

(a) A person may not accept a hazardous material for transportation or transport a hazardous material by vessel unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter, or as authorized by subpart C of part 171 of this subchapter, unless the material is excepted from shipping paper requirements under this subchapter.

(b) Each person receiving a shipping paper required by this section must retain a copy or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, each shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, each shipping paper copy must be retained for one year after the material is accepted by the carrier. Each shipping paper copy must include the date of acceptance by the carrier. The date on the shipping paper may be the date a shipper presents a booking for carriage with the carrier as an alternative to the date the shipment is picked up, accepted, or loaded on the vessel by the carrier.

[67 FR 66574, Nov. 1, 2002, as amended at 70 FR 73165, Dec. 9, 2005; 72 FR 25177, May 3, 2007]

§ 176.27 Certificate.

(a) A carrier may not transport a hazardous material by vessel unless a certificate prepared in accordance with §172.204 of this subchapter has been received.

(b) In the case of an import or export shipment of a hazardous material that will not be transported by rail, highway, or air, the shipper may certify on the bill of lading or other shipping paper that the hazardous material is properly classed, described, marked, packaged, and labeled according to part 172 of this subchapter or in accordance with the requirements of the IMDG Code (IBR, *see* §171.7 of this subchapter). See subpart C of part 171 of this subchapter.

(c)(1) A person responsible for packing or loading a freight container or transport vehicle with packages of hazardous materials for transportation by a manned vessel in ocean or coastwise