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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

service, must provide the vessel operator, at the time the shipment is offered for transportation by vessel, with a signed container packing certificate stating, at a minimum, that—

(i) The freight container or transport vehicle is serviceable for the materials loaded therein, contains no incompatible goods, and is properly marked, labeled or placarded, as applicable; and

(ii) When the freight container or transport vehicle contains packages, those packages have been inspected prior to loading, are properly marked, labeled or placarded, as applicable; are not damaged; and are properly secured.

(2) The certification may appear on a shipping paper or on a separate document as a statement, such as ''It is declared that the packing of the container has been carried out in accordance with the applicable provisions [of 49 CFR], [of the IMDG Code], or [of 49 CFR and the IMDG Code].''

[69 FR 76180, Dec. 20, 2004; 72 FR 25177, May 3, 2007]

§ 176.30 Dangerous cargo manifest.

(a) The carrier, its agents, and any person designated for this purpose by the carrier or agents shall prepare a dangerous cargo manifest, list, or stowage plan. This document may not include a material which is not subject to the requirements of 49 CFR or the IMDG Code (IBR, see § 171.7 of this subchapter). This document must be kept in a designated holder on or near the vessel's bridge. It must contain the following information:

(1) Name of vessel and official number. (If the vessel has no official number, the international radio call sign must be substituted.);

(2) Nationality of vessel;

(3) Shipping name and identification number of each hazardous material on board as listed in § 172.101 of this subchapter or as listed in the IMDG Code and an emergency response telephone number as prescribed in subpart G of part 172 of this subchapter.

(4) The number and description of packages (barrels, drums, cylinders, boxes, etc.) and gross weight for each type of packaging;

(5) Classification of the hazardous material in accordance with either:

(i) The Hazardous Materials Table, the § 172.101 table; or

(ii) The IMDG Code.

(6) Any additional description required by § 172.203 of this subchapter.

(7) Stowage location of the hazardous material on board the vessel.

(8) In the case of a vessel used for the storage of explosives or other hazardous materials, the following additional information is required:

(i) Name and address of vessel's owner;

(ii) Location of vessel's mooring;

(iii) Name of person in charge of vessel;

(iv) Name and address of the owner of the cargo; and

(v) A complete record, by time intervals of one week, of all receipts and disbursements of hazardous materials. The name and address of the consignor must be shown against all receipts and the name and address of the consignee against all deliveries.

(b) The hazardous material information on the dangerous cargo manifest must be the same as the information furnished by the shipper on the shipping order or other shipping paper, except that the IMO ''correct technical name'' and the IMO class may be indicated on the manifest as provided in paragraphs (a)(3) and (a)(5) of this section. The person who supervises the preparation of the manifest, list, or stowage plan shall ensure that the information is correctly transcribed, and shall certify to the truth and accuracy of this information to the best of his knowledge and belief by his signature and notation of the date prepared.

(c) The carrier and its agents shall insure that the master, or a licensed deck officer designated by the master and attached to the vessel, or in the case of a barge, the person in charge of the barge, acknowledges the correctness of the dangerous cargo manifest, list or stowage plan by his signature.

(d) For barges, manned or unmanned, the requirements of this section apply except for the following:

(1) In the case of a manned barge, the person in charge of the barge shall prepare the dangerous cargo manifest.

(2) In the case of an unmanned barge, the person responsible for loading the barge is responsible for the preparation

of a dangerous cargo manifest, list, or stowage plan and must designate an individual for that purpose.

(3) For all barges, manned or unmanned, the dangerous cargo manifest must be on board the barge in a readily accessible location and a copy must be furnished to the person in charge of the towing vessel.

(e) Each carrier who transports or stores hazardous materials on a vessel shall retain a copy of the dangerous cargo manifest, list, or stowage plan for at least one year, and shall make that document available for inspection in accordance with §176.36(b) of this subchapter.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §176.30, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§ 176.31 Special permits.

If a hazardous material is being transported by vessel under the authority of an exemption or special permit and a copy of the exemption or special permit is required to be on board the vessel, it must be kept with the dangerous cargo manifest.

[70 FR 73165, Dec. 9, 2005]

§ 176.36 Preservation of records.

(a) When this part requires shipping orders, manifest, cargo lists, stowage plans, reports, or any other papers, documents or similar records to be prepared, the carrier shall preserve them or copies of them in his place of business or office in the United States for a period of one year after their preparation.

(b) Any record required to be preserved must be made available upon request to an authorized representative of the Department.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.39 Inspection of cargo.

(a) *Manned vessels.* The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an inspection of each hold or compartment containing hazardous materials to be made after stowage is complete, and at least once every 24 hours thereafter, weather permitting, in order to ensure that the cargo is in a safe condition and that no damage caused by shifting, spontaneous heating, leaking, sifting, wetting, or other cause has been sustained by the vessel or its cargo since loading and stowage. However, freight containers or individual barges need not be opened. A vessel's holds equipped with smoke or fire detecting systems having an automatic monitoring capability need not be inspected except after stowage is complete and after periods of heavy weather. The carrier, its agents, and any person designated for this purpose by the carrier or agents shall cause an entry to be made in the vessel's deck log book for each inspection of the stowage of hazardous materials performed.

(b) *Unmanned and magazine vessels.* An inspection of the cargo must be made after stowage has been completed to ensure that stowage has been accomplished properly and that there are no visible signs of damage to any packages or evidence of heating, leaking, or sifting. This inspection must be made by the individual who is responsible to the carrier and who is in charge of loading and stowing the cargo on the unmanned vessels or the individual in charge in the case of a magazine vessel.

(c) The carrier, its agents, and any person designated for this purpose by the carrier or agents of each oceangoing vessel carrying hazardous material shall, immediately prior to entering a port in the United States, cause an inspection of that cargo to be made.

(d) When inspecting a cargo of hazardous materials capable of evolving flammable vapors, any artificial means of illumination must be of an explosion-proof type.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–8, 44 FR 23228, Apr. 19, 1979; Amdt. 176–9, 44 FR 49458, Aug. 23, 1979]

§ 176.45 Emergency situations.

(a) When an accident occurs on board a vessel involving hazardous materials, and the safety of the vessel, its passengers or crew are endangered, the master shall adopt such procedures as

will, in his judgment, provide maximum safety for the vessel, its passengers, and its crew. When the accident results in damaged packages or the emergency use of unauthorized packagings, these packages may not be offered to any forwarding carrier for transportation. The master shall notify the nearest Captain of the Port, U.S. Coast Guard, and request instructions for disposition of the packages.

(b) Hazardous materials may be jettisoned only if the master believes this action necessary to prevent or substantially reduce a hazard to human life or reduce a substantial hazard to property.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1B, 41 FR 57072, Dec. 30, 1976]

§ 176.48 Situation requiring report.

(a) When a fire or other hazardous condition exists on a vessel transporting hazardous materials, the master shall notify the nearest Captain of the Port as soon as possible and shall comply with any instructions given by the Captain of the Port.

(b) When an incident occurs during transportation in which a hazardous material is involved, a report may be required (see §§ 171.15 and 171.16 of this subchapter).

(c) If a package, portable tank, freight container, highway or railroad vehicle containing hazardous materials is jettisoned or lost, the master shall notify the nearest Captain of the Port as soon as possible of the location, quantity, and type of the material.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176–1B, 41 FR 57072, Dec. 30, 1976; Amdt. 176–24, 51 FR 5974, Feb. 18, 1986; Amdt. 176–25, 52 FR 8592, Mar. 19, 1987]

§ 176.50 Acceptance of damaged or leaking packages.

A carrier may not transport by vessel any package that is so damaged as to permit the escape of its contents, that appears to have leaked, or that gives evidence of failure to properly contain the contents unless it is restored or repaired to the satisfaction of the master of the vessel. A package containing radioactive materials (other than low specific activity materials) may not be repaired or restored.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1A, 41 FR 40687, Sept. 20, 1976]

§ 176.52 Rejections of shipments in violation.

(a) A carrier may not knowingly transport by vessel any hazardous material offered under a false or deceptive name, marking, invoice, shipping paper or other declaration, or without the shipper furnishing written information about the true nature of the material at the time of delivery.

(b) If a shipment in violation is found in transit, the master of the vessel shall adopt procedures which in his judgment provide maximum safety to the vessel, its passengers and its crew and which are in compliance with § 176.45. If the vessel is in port, the material may not be delivered to any party, and the master shall immediately notify the nearest Captain of the Port and request instructions for disposition of the material.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–1B, 41 FR 57072, Dec. 30, 1976]

§ 176.54 Repairs involving welding, burning, and power-actuated tools and appliances.

(a) Except as provided in paragraph (b) of this section, repairs or work involving welding or burning, or the use of power-actuated tools or appliances which may produce intense heat may not be undertaken on any vessel having on board explosives or other hazardous materials as cargo.

(b) Paragraph (a) of this section does not apply if:

(1) The repairs or work are approved by the COTP under 33 CFR 126.30; or

(2) Emergency repairs to the vessel's main propelling or boiler plant or auxiliaries are necessary for the safety of the vessel. If such repairs are performed, the master of the vessel must immediately notify the nearest COTP.

[Amdt. 176–1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176–30, 55 FR 52689, Dec. 21, 1990; 75 FR 53597, Sept. 1, 2010]