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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]