

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 must prepare a dangerous cargo manifest, list, or stowage plan. This document may not include a material that is not subject to the requirements of the Hazardous Material Regulations (49 CFR parts 171 through 180) or the International Maritime Dangerous Goods Code (IMDG Code) (IBR, *see* §171.7 of this subchapter). This document must be kept on or near the vessel’s bridge, except when the vessel is docked in a United States port. When the vessel is docked

in a United States port, this document may be kept in the vessel’s cargo office or another location designated by the master of the vessel provided that a sign is placed beside the designated holder on or near the vessel’s bridge indicating the location of the dangerous cargo manifest, list, or stowage plan. This document must always be in a location that is readily accessible to emergency response and enforcement personnel. 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

§ 176.31

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

49 CFR Ch. I (10-1-13 Edition)

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