

§ 175.900 Handling requirements for carbon dioxide, solid (dry ice).

Carbon dioxide, solid (dry ice) when shipped by itself or when used as a refrigerant for other commodities, may be carried only if the operator has made suitable arrangements based on the aircraft type, the aircraft ventilation rates, the method of packing and stowing, whether animals will be carried on the same flight and other factors. The operator must ensure that the ground staff is informed that the dry ice is being loaded or is on board the aircraft. For arrangements between the shipper and operator, see § 173.217 of this subchapter. Where dry ice is contained in a unit load device (ULD) prepared by a single shipper in accordance with § 173.217 of this subchapter and the operator after the acceptance adds additional dry ice, the operator must ensure that the information provided to the pilot-in-command and the marking on the ULD when used as a packaging reflects that revised quantity of dry ice.

[82 FR 15892, Mar. 30, 2017]

PART 176—CARRIAGE BY VESSEL**Subpart A—General**

- Sec.
- 176.1 Purpose and scope.
 - 176.2 Definitions.
 - 176.3 Unacceptable hazardous materials shipments.
 - 176.4 Port security and safety regulations.
 - 176.5 Application to vessels.
 - 176.7 Documentation for vessel personnel.
 - 176.9 “Order-Notify” or “C.O.D.” shipments.
 - 176.11 Exceptions.
 - 176.13 Responsibility for compliance and training.
 - 176.15 Enforcement.
 - 176.18 Assignment and certification.

Subpart B—General Operating Requirements

- 176.24 Shipping papers.
- 176.27 Certificate.
- 176.30 Dangerous cargo manifest.
- 176.31 Special permits.
- 176.36 Preservation of records.
- 176.39 Inspection of cargo.
- 176.45 Emergency situations.
- 176.48 Situation requiring report.
- 176.50 Acceptance of damaged or leaking packages.
- 176.52 Rejections of shipments in violation.

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

Subpart C—General Handling and Stowage

- 176.57 Supervision of handling and stowage.
- 176.58 Preparation of the vessel.
- 176.60 “No Smoking” signs.
- 176.63 Stowage locations.
- 176.65 Alternative stowage procedures.
- 176.69 General stowage requirements for hazardous materials.
- 176.70 Stowage requirements for marine pollutants.
- 176.72 Handling of break-bulk hazardous materials.
- 176.74 On deck stowage of break-bulk hazardous materials.
- 176.76 Transport vehicles, freight containers, and portable tanks containing hazardous materials.
- 176.77 Stowage of barges containing hazardous materials on board barge-carrying vessels.
- 176.78 Use of power-operated industrial trucks on board vessels.

Subpart D—General Segregation Requirements

- 176.80 Applicability.
- 176.83 Segregation.
- 176.84 Other requirements for stowage, cargo handling, and segregation for cargo vessels and passenger vessels.

Subpart E—Special Requirements for Transport Vehicles Loaded With Hazardous Materials and Transported on Board Ferry Vessels

- 176.88 Applicability.
- 176.89 Control of transport vehicles.
- 176.90 Private automobiles.
- 176.91 Motorboats.
- 176.92 Cylinders laden in vehicles.
- 176.93 Vehicles having refrigerating or heating equipment.

Subpart F—Special Requirements for Barges

- 176.95 Applicability.
- 176.96 Materials of construction.
- 176.97 Prohibition of dump scows.
- 176.98 Stowage of hazardous materials on board barges.
- 176.99 Permit requirements for certain hazardous materials.

Subpart G—Detailed Requirements for Class 1 (Explosive) Materials

- 176.100 Permit for Divisions 1.1 and 1.2 (explosive) materials.
- 176.102 Supervisory detail.

Pt. 176

- 176.104 Loading and unloading Class 1 (explosive) materials.
- 176.108 Supervision of Class 1 (explosive) materials during loading, unloading, handling and stowage.

STOWAGE

- 176.112 Applicability.
- 176.116 General stowage conditions for Class 1 (explosive) materials.
- 176.118 Electrical requirement.
- 176.120 Lightning protection.
- 176.122–176.124 [Reserved]
- 176.128–176.136 [Reserved]
- 176.137 Portable magazine.
- 176.138 Deck stowage.

SEGREGATION

- 176.140 Segregation from other classes of hazardous materials.
- 176.142 [Reserved]
- 176.144 Segregation of Class 1 (explosive) materials.
- 176.145 Segregation in single hold vessels.
- 176.146 Segregation from non-hazardous materials.

PRECAUTIONS DURING LOADING AND UNLOADING

- 176.148 Artificial lighting.
- 176.150 Radio and radar.
- 176.154 Fueling (bunkering).
- 176.156 Defective packages.
- 176.160 Protection against weather.
- 176.162 Security.
- 176.164 Fire precautions and firefighting.

PASSENGER VESSELS

- 176.166 Transport of Class 1 (explosive) materials on passenger vessels.

CARGO TRANSPORT UNITS AND SHIPBORNE BARGES

- 176.168 Transport of Class 1 (explosive) materials in vehicle spaces.
- 176.170 Transport of Class 1 (explosive) materials in freight containers.
- 176.172 Structural serviceability of freight containers and vehicles carrying Class 1 (explosive) materials on ships.
- 176.174 Transport of Class 1 (explosive) materials in shipborne barges.

HANDLING CLASS 1 (EXPLOSIVE) MATERIALS IN PORT

- 176.176 Signals.
- 176.178 Mooring lines.
- 176.180 Watchkeeping.
- 176.182 Conditions for handling on board ship.
- 176.184 Class 1 (explosive) materials of Compatibility Group L.
- 176.190 Departure of vessel.
- 176.192 Cargo handling equipment for freight containers carrying Class 1 (explosive) materials.

49 CFR Ch. I (10–1–17 Edition)

MAGAZINE VESSELS

- 176.194 Stowage of Class 1 (explosive) materials on magazine vessels.

Subpart H—Detailed Requirements for Class 2 (Compressed Gas) Materials

- 176.200 General stowage requirements.
- 176.205 Under deck stowage requirements.
- 176.210 On deck stowage requirements.
- 176.220 Smoking or open flame and posting of warning signs.
- 176.225 Stowage of chlorine.
- 176.230 Stowage of Division 2.1 (flammable gas) materials.

Subpart I—Detailed Requirements for Class 3 (Flammable) and Combustible Liquid Materials

- 176.305 General stowage requirements.
- 176.315 Fire protection requirements.
- 176.320 Use of hand flashlights.
- 176.325 Smoking or open flame and posting of warning signs.
- 176.340 Combustible liquids in portable tanks.

Subpart J—Detailed Requirements for Class 4 (Flammable Solids), Class 5 (Oxidizers and Organic Peroxides), and Division 1.5 Materials

- 176.400 Stowage of Division 1.5, Class 4 (flammable solids) and Class 5 (oxidizers and organic peroxides) materials.
- 176.405 Stowage of charcoal.
- 176.410 Division 1.5 materials, ammonium nitrate and ammonium nitrate mixtures.
- 176.415 Permit requirements for Division 1.5, ammonium nitrates, and certain ammonium nitrate fertilizers.

Subpart K [Reserved]

Subpart L—Detailed Requirements for Division 2.3 (Poisonous Gas) and Division 6.1 (Poisonous) Materials

- 176.600 General stowage requirements.
- 176.605 Care following leakage or sifting of Division 2.3 (poisonous gas) and Division 6.1 (poisonous) materials.

Subpart M—Detailed Requirements for Radioactive Materials

- 176.700 General stowage requirements.
- 176.704 Requirements relating to transport indices and criticality safety indices.
- 176.708 Segregation distances.
- 176.710 Care following leakage or sifting of radioactive materials.
- 176.715 Contamination control.
- 176.720 Requirements for carriage of INF cargo in international transportation.

Subpart N—Detailed Requirements for Class 8 (Corrosive Materials) Materials

- 176.800 General stowage requirements.
176.805 On deck stowage.

Subpart O—Detailed Requirements for Cotton and Vegetable Fibers, Motor Vehicles, Polymeric Beads, and Plastic Molding Compounds

- 176.900 Packaging and stowage of cotton and vegetable fibers; general.
176.901 Stowage of cotton or vegetable fibers with rosin or pitch.
176.903 Stowage of cotton or vegetable fibers with coal.
176.905 Stowage of vehicles.
176.906 Stowage of engines and machinery.
176.907 Polymeric Beads and Plastic Molding Compounds.

AUTHORITY: 49 U.S.C. 5101–5128; 49 CFR 1.81 and 1.97.

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.

Closed cargo transport unit for Class 1 (explosive) materials means a freight container or transport vehicle that fully encloses the contents by permanent structures and can be secured to the ship's structure and are, except for the carriage of division 1.4 explosives, structurally serviceable (see § 176.172). Portable magazines conforming to § 176.137 are also considered closed cargo transport units for Class 1. Small compartments such as deck houses and mast lockers are included. Cargo transport units with fabric sides or tops are not closed cargo transport units. The floor of any closed cargo transport unit must either be constructed of wood, close-boarded or so arranged that goods are stowed on sparrd gratings, wooden pallets or dunnage.

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 re-

sult 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.

Potential or possible sources of ignition means, but is not limited to, open fires, machinery exhausts, galley uptakes, electrical outlets and electrical equipment including those on refrigerated or heated cargo transport units unless they are of a type designed to operate in a hazardous environment.

Protected from sources of heat means that packages and cargo transport units must be stowed at least 2.4 m from heated ship structures, where the surface temperature is liable to exceed 131 °F (55 °C). Examples of heated structures are steam pipes, heating coils, top or side walls of heated fuel and cargo tanks, and bulkheads of machinery spaces. In addition, packages not loaded inside a cargo transport unit and stowed on deck must be shaded from direct sunlight. The surface of a cargo transport unit can heat rapidly when in direct sunlight in nearly windless conditions and the cargo may also become heated. Depending on the nature of the goods in the cargo transport unit, and the planned voyage, precautions must be taken to ensure that exposure to direct sunlight is reduced.

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 nec-

essary 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; 78 FR 1093, Jan. 7, 2013]

§ 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);

§ 176.5

(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).

49 CFR Ch. I (10-1-17 Edition)

(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 transportation 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

§ 176.24

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 exempted 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, high-

49 CFR Ch. I (10-1-17 Edition)

way, 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 package;

(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 ship-

ping 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

§ 176.36

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

49 CFR Ch. I (10-1-17 Edition)

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 ocean-going 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]

Subpart C—General Handling and Stowage

§ 176.57 Supervision of handling and stowage.

(a) Hazardous materials may be handled or stowed on board a vessel only under the direction and observation of a responsible person assigned this duty.

(b) For a vessel engaged in coastwise voyages, or on rivers, bays, sounds or lakes, including the Great Lakes when the voyage is not foreign-going, the responsible person may be an employee of the carrier and assigned this duty by the carrier, or a licensed officer attached to the vessel and assigned by the master of the vessel.

(c) For a domestic vessel engaged in a foreign-going or intercoastal voyage, the responsible person must be an officer possessing an unexpired license issued by the USCG and assigned this duty by the master of the vessel.

(d) For a foreign vessel, the responsible person must be an officer of the vessel assigned this duty by the master of the vessel.

[Amdt. 176-30, 55 FR 52689, Dec. 21, 1990]

§ 176.58 Preparation of the vessel.

(a) Each hold or compartment in which hazardous materials are to be

§ 176.60

stowed must be free of all debris before the hazardous materials are stowed. Bilges must be examined and all residue of previous cargo removed.

(b) All decks, gangways, hatches, and cargo ports over or through which hazardous materials must be passed or handled in loading or unloading must be free of all loose materials before cargo handling operations begin.

(c) No debris that creates a fire hazard or a hazardous condition for persons engaged in handling hazardous materials may be on the weather deck of a vessel during loading or unloading operations.

(d) Hatch beams and hatch covers may not be stowed in a location that would interfere with cargo handling.

[Amdt. 176-30, 55 FR 52689, Dec. 21, 1990]

§ 176.60 “No Smoking” signs.

When smoking is prohibited during the loading, stowing, storing, transportation, or unloading of hazardous materials by this part, the carrier and the master of the vessel are jointly responsible for posting “NO SMOKING” signs in conspicuous locations.

§ 176.63 Stowage locations.

(a) The table in §172.101 of this subchapter specifies generally the locations authorized for stowage of the various hazardous materials on board vessels. This part prescribes additional requirements with respect to the stowage of specific hazardous materials in addition to those authorized in §172.101 of this subchapter. This section sets forth the basic physical requirements for the authorized locations. Hazardous materials offered for transport as limited quantities are allocated stowage category A and are not subject to any of the specific stowage requirements indicated in column 10B in §172.101 of this subchapter for the material being transported.

(b) To qualify as “on deck” stowage, the location must be on the weather deck. If the location is in a house on the weather deck, the location must have a permanent structural opening to the atmosphere, such as a door, hatch, companionway or manhole, and must be vented to the atmosphere. The location may not have any structural opening to any living quarters, cargo,

49 CFR Ch. I (10-1-17 Edition)

or other compartment unless the opening has means for being closed off and secured. Any deck house containing living quarters, a steering engine, a refrigerating unit, a refrigerated stowage box, or a heating unit may not be used unless that area is isolated from the cargo stowage area by a permanent, and tight, metallic bulkhead. Stowage in a shelter or ‘tween deck is not considered to be “on deck”. A barge that is vented to the atmosphere and is stowed on deck on a barge-carrying ship is considered to be “on deck”. When an entry in §172.101 of this subchapter requires “on-deck” stowage and is qualified by the requirement “protected from sources of heat”, the stowage must be protected from the direct rays of the sun by means of structural erections or awnings except that such protection is not required for shipment in portable tanks.

(c) To qualify as “under deck” stowage, the location must be in a hold or compartment below the weather deck capable of being ventilated and allotted entirely to the carriage of cargo. It must be bounded by permanent steel decks and bulkheads or the shell of the vessel. The deck openings must have means for effectively closing the hold or compartment against the weather, and in the case of superimposed holds, for effectively closing off each hold. A hold or compartment containing a crew passage formed by battens or by mesh or wire screen bulkhead may not be used for the stowage of any hazardous material unless a watchman is provided for this area.

(d) To qualify as “under deck away from heat”, the location must be under deck and have built-in means for ventilation. If it is subject to heat from any artificial source, it only qualifies for the stowage of those hazardous materials for which “under deck” stowage is authorized.

(e) Notwithstanding the stowage provisions given in the table in §172.101 of this subchapter, empty packages containing residue, including IBCs and large packages, may be stowed “on deck” or “under deck” in a mechanically ventilated cargo space. However, empty pressure receptacles containing residue that carry a label of class 2.3 must be stowed “on deck” and waste

aerosols must be stowed in accordance with the table in §172.101 of this subchapter.

(f) *Stowage of containers on board hatchless container ships.* (1) Containers holding a hazardous material may be stowed in or vertically above a hatchless container hold if the following conditions are met:

(1) All hazardous materials are permitted for *under deck* stowage as specified in the Table in §172.101 of this subchapter; and

(2) The hatchless container hold is in full compliance with the provisions of SOLAS, Chapter II-2/Regulation 19 (IBR; see §171.7 of this subchapter), applicable to enclosed container cargo spaces, as appropriate for the cargo transported.

[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. 176-12, 45 FR 81572, Dec. 11, 1980; 66 FR 33438, June 21, 2001; 66 FR 45184, Aug. 28, 2001; 68 FR 45038, July 31, 2003; 69 FR 76180, Dec. 20, 2004; 76 FR 3384, Jan. 19, 2011; 78 FR 1094, Jan. 7, 2013]

§ 176.65 Alternative stowage procedures.

When a hazardous material is to be loaded on board a vessel and it is shown to the satisfaction of the Coast Guard Captain of the Port for the place where the vessel is being loaded that it is impracticable to comply with a stowage location requirement specified in the §172.101 table of this subchapter or a segregation, handling or stowage requirement specified in this part, the Captain of the Port may authorize in writing the use of an alternative stowage location or method of segregation, handling or stowage subject to such conditions as he finds will insure a level of safety at least equal to that afforded by the regulatory requirement concerned.

[Amdt. 176-30, 55 FR 52689, Dec. 21, 1990]

§ 176.69 General stowage requirements for hazardous materials.

(a) Hazardous materials (except as provided in paragraph (c) of this section and Class 9 (miscellaneous hazardous) materials) must be stowed in a manner that will facilitate inspection during the voyage, their removal from

a potentially dangerous situation, and the removal of packages in case of fire.

(b) Each package marked in accordance with §172.312(a)(2) of this subchapter must be stowed as to remain in the position indicated during transportation.

(c) If a vessel designed for and carrying hazardous materials in freight containers or a vessel designed for and carrying hazardous materials in barges is equipped with a fixed fire extinguishing and fire detection system, the freight containers or barges need not be stowed in the manner required by paragraph (a) of this section. When freight containers or barges containing hazardous materials are stowed on deck, they need not be stowed in the manner required by paragraph (a) of this section if fire fighting equipment capable of reaching and piercing the freight container or barge is on board the vessel.

(d) Packages of hazardous materials must be secured and dunnaged to prevent shifting in any direction. Vertical restraints are not required if the shape of the package and the stuffing pattern preclude shifting of the load.

(e) Packages of hazardous materials must be braced and dunnaged so that they are not likely to be pierced by the dunnage or crushed by a superimposed load.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176-12, 45 FR 81573, Dec. 11, 1980; Amdt. 176-30, 55 FR 52689, Dec. 21, 1990; 56 FR 66282, Dec. 20, 1991; 68 FR 61942, Oct. 30, 2003]

§ 176.70 Stowage requirements for marine pollutants.

(a) Marine pollutants must be properly stowed and secured to minimize the hazards to the marine environment without impairing the safety of the ship and the persons on board.

(b) Where stowage is permitted "on deck or under deck", under deck stowage is preferred except when a weather deck provides equivalent protection.

(c) Where stowage "on deck only" is required, preference should be given to stowage on well-protected decks or to stowage inboard in sheltered areas of exposed decks.

[Amdt. 176-31, 57 FR 52940, Nov. 5, 1992]

§ 176.72

49 CFR Ch. I (10–1–17 Edition)

§ 176.72 Handling of break-bulk hazardous materials.

(a) A metal bale hook may not be used for handling any package of hazardous materials.

(b) The use of equipment designed to lift or move cargo by means of pressure exerted on the packages may not be used for handling any package of hazardous materials if the device can damage the package or the package is not designed to be moved in that manner.

(c) Pallets, slings, cargo nets and other related equipment used in loading packages of hazardous materials must give adequate support to the packages. The packages must be contained so that they are not able to fall during loading.

§ 176.74 On deck stowage of break-bulk hazardous materials.

(a) Packages containing hazardous materials must be secured by enclosing in boxes, cribs or cradles and proper lashing by use of wire rope, strapping or other means, including shoring and bracing, or both. Lashing of deck cargo is permitted if eye pads are used to attach the lashings. Lashings may not be secured to guard rails. Bulky articles must be shored.

(b) A packaging susceptible to weather or water damage must be protected so that it will not be exposed to the weather or to sea water.

(c) Not more than fifty percent of the total open deck area should be used for stowage of hazardous materials (except Class 9 (miscellaneous hazardous material)).

(d) Fireplugs, hoses, sounding pipes, and access to these must be free and clear of all cargo.

(e) Crew and passenger spaces and areas set aside for the crew's use may not be used to stow any hazardous material.

(f) A hazardous material may not be stowed within a horizontal distance of 25 feet of an operating or embarkation point of a lifeboat.

(g) Hazardous materials must be stowed to permit safe access to the crew's quarters and to all parts of the deck required in navigation and necessary working of the vessel.

(h) When runways for use of the crew are built over stowed hazardous mate-

rials, they must be constructed and fitted with rails and lifelines so as to afford complete protection to the crew when in use.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1B, 41 FR 57072, Dec. 30, 1976; Amdt. 176-30, 55 FR 52689, Dec. 21, 1990; 56 FR 66282, Dec. 20, 1991; 66 FR 45181, Aug. 28, 2001]

§ 176.76 Transport vehicles, freight containers, and portable tanks containing hazardous materials.

(a) Except as provided in paragraphs (b) through (f) of this section, hazardous materials authorized to be transported by vessel may be carried on board a vessel in a transport vehicle or freight container, subject to the following conditions (see additional requirements concerning the transport of Class 1 (explosive) materials in §§176.168 through 176.172 of this subchapter):

(1) The material must be in proper condition for transportation according to the requirements of this subchapter;

(2) All packages in the transport vehicle or freight container must be secured to prevent shifting in any direction. Vertical restraint is not required if the shape of the packages, loading pattern, and horizontal restraint preclude vertical shifting of the load within the freight container or transport vehicle;

(3) Bulkheads made of dunnage which extend to the level of the cargo must be provided unless the packages are stowed flush with the sides or ends;

(4) Dunnage must be secured to the floor when the cargo consists of dense materials or heavy packages;

(5) Each package marked in accordance with §172.312(a)(2) of this subchapter must be stowed as marked;

(6) Any slack spaces between packages must be filled with dunnage;

(7) The weight in a container must be distributed throughout as evenly as possible and the maximum permissible weight must not be exceeded;

(8) Adjacent levels of bagged and baled cargo must be stowed in alternate directions so that each tier binds the tier above and below it;

(9) When security devices, beacons or other tracking or monitoring equipment are used, they must be securely

installed and must be of a certified safe type for the hazardous materials that will be carried within the freight container or transport vehicle in which such as device or equipment is installed.

(10) The lading must be contained entirely within the freight container or vehicle body without overhang or projection except that oversized machinery such as tractors or vehicles with batteries attached may overhang or project outside the intermodal container provided all of that portion of the lading that consists of hazardous materials is contained entirely within the freight container. No open-bed container or vehicle is permitted to carry hazardous materials unless it is equipped with a means of properly securing the lading.

(11) When packages are secured with banding or straps, these restraints must not be over-tightened to cause damage or deformation of the packages or the securing points (such as D-rings) within the freight container or transport vehicle.

(b) A transport vehicle containing hazardous materials may be carried only on board a trailership, trainship, ferry vessel or car float.

(c) [Reserved]

(d) A transport vehicle or freight container equipped with heating or refrigeration equipment may be operated on board a vessel. However, the equipment may not be operated in any hold or compartment in which any flammable liquid or gas is stowed. Any heating or air conditioning equipment having a fuel tank containing a flammable liquid or gas may be stowed only "on deck". Equipment electrically powered and designed to operate within an environment containing flammable vapors may be operated below deck in a hold or compartment containing a flammable liquid or gas.

(e) A transport vehicle, loaded with any hazardous material which is required to be stowed "on deck" by §172.101 of this subchapter, may be stowed one deck below the weather deck when transported on a trainship or trailership which is unable to provide "on deck" stowage because of the vessel's design. Otherwise, the trans-

port vehicle or container must be transported "on deck."

(f) A hazardous material may be carried on board a vessel in a portable tank subject to the following conditions:

(1) Small passenger vessels of 100 gross tons, or less, may carry a hazardous material in a portable tank only when 16 or less passengers are on board and only when specifically authorized by the Officer-in-Charge, Marine Inspection, by endorsement of the vessel's Certificate of Inspection.

(2) Portable tanks containing flammable liquids or gases, combustible liquids with flashpoints below 60 °C (140 °F), that are insoluble in water, or organic peroxides, spontaneously combustible materials, or water reactive materials must be stowed on deck irrespective of the stowage authorized in §172.101 of this subchapter. Portable tanks containing hazardous materials not restricted to on deck stowage by the previous sentence must be stowed in accordance with the requirements specified in §172.101 of this subchapter.

(3) Aluminum, magnesium, and their alloys are specifically prohibited as materials of construction of portable tanks.

(g) *Cryogenic liquids.* For shipment of cryogenic liquids on board a vessel the packaging must be designed and filled so that:

(1) Any cryogenic liquid being transported in a cargo tank, regardless of the pressure in the package, must be contained in a steel jacketed Specification MC-338 (§178.338 of this subchapter) insulated cargo tank.

(2) Any valve or fitting with moving or abrading parts that may come in contact with any cryogenic liquid may not be made of aluminum.

(3) For a flammable cryogenic liquid being transported in a cargo tank, the elapsed time between the loading of the cargo tank and the subsequent unloading of the cargo tank at its final destination may not exceed the marked rated holding time (MRHT) of the cargo tank for the cryogenic liquid being transported, which must be displayed on or adjacent to the specification plate.

(4) Portable tanks, cargo tanks, and tank cars containing cryogenic liquids

§ 176.77

must be stowed “on deck” regardless of the stowage authorized in §172.101 of this subchapter. Cargo tanks or tank cars containing cryogenic liquids may be stowed one deck below the weather deck when transported on a trailership or trainship that is unable to provide “on deck” stowage because of the vessel’s design. Tank cars must be Class DOT-113 or AAR-204W tank cars.

(h) A fumigated cargo transport unit may only be transported on board a vessel subject to the following conditions and limitations:

(1) The fumigated cargo transport unit may be placed on board a vessel only if at least 24 hours have elapsed since the unit was last fumigated;

(2) The fumigated cargo transport unit is accompanied by a document showing the date of fumigation and the type and amount of fumigant used;

(3) Prior to loading, the master is informed of the intended placement of the fumigated cargo transport unit on board the vessel and the information provided on the accompanying document;

(4) Equipment that is capable of detecting the fumigant and instructions for the equipment’s use is provided on the vessel;

(5) The fumigated cargo transport unit must be stowed at least 5 m from any opening to accommodation spaces;

(6) Fumigated cargo transport units may only be transported on deck on vessels carrying more than 25 passengers; and

(7) Fumigants may not be added to cargo transport units while on board a vessel.

(i) A cargo transport unit packed or loaded with flammable gas or flammable liquid having a flashpoint below + 23 °C transported on deck must be stowed “away from” possible sources of ignition. In the case of container ships, a distance equivalent to one container space athwartships away from possible sources of ignition applied in any direction will satisfy this requirement.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §176.76, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

49 CFR Ch. I (10-1-17 Edition)

§ 176.77 Stowage of barges containing hazardous materials on board barge-carrying vessels.

(a) A barge which contains hazardous materials may be transported on board a barge-carrying vessel if it is stowed in accordance with the requirements of this section.

(b) A barge which contains hazardous materials for which only “on deck” stowage is authorized must be stowed above the weather deck and be vented to the atmosphere.

(c) A barge which contains hazardous materials for which both “on deck” and “below deck” stowage is authorized may be stowed above or below the weather deck.

[Amdt. 176-30, 55 FR 52689, Dec. 21, 1990, as amended at 76 FR 56317, Sept. 13, 2011]

§ 176.78 Use of power-operated industrial trucks on board vessels.

(a) *Power Operated trucks.* A power-operated truck (including a power-operated tractor, forklift, or other specialized truck used for cargo handling) may not be used on board a vessel in a space containing a hazardous material unless the truck conforms to the requirements of this section. The COTP may suspend or prohibit the use of cargo handling vehicles or equipment when that use constitutes a safety hazard.

(b) Each truck must have a specific designation of Underwriter’s Laboratories or Factory Mutual Laboratories. Any repair or alteration to a truck must be equivalent to that required on the original designation.

(c) *Description of designations.* The recognized testing laboratory type designations are as follows:

(1) An “E” designated unit is an electrically-powered unit that has minimum acceptable safeguards against inherent fire hazards.

(2) An “EE” designated unit is an electrically-powered unit that has, in addition to all the requirements for the “E” unit, the electric motor and all other electrical equipment completely enclosed.

(3) An “EX” designated unit is an electrically-powered unit that differs from the “E” and “EE” unit in that the electrical fittings and equipment

are so designed, constructed, and assembled that the unit may be used in certain atmospheres containing flammable vapors or dusts.

(4) A "G" designated unit is a gasoline-powered unit having minimum acceptable safeguards against inherent fire hazards.

(5) A "GS" designated unit is a gasoline-powered unit that is provided with additional safeguards to the exhaust, fuel, and electrical systems.

(6) An "LP" designated unit is similar to a "G" unit except that it is powered by liquefied petroleum gas instead of gasoline.

(7) An "LPS" designated unit is a unit similar to a "GS" unit except that liquefied petroleum gas is used for fuel instead of gasoline.

(8) A "D" designated unit is a unit similar to a "G" unit except that it is powered by a diesel engine instead of a gasoline engine.

(9) A "DS" designated unit is a unit powered by a diesel engine provided with additional safeguards to the exhaust, fuel, and electrical systems.

(d) *Class 1 (explosive) materials.* No power-operated truck may be used to handle Class 1 (explosive) materials or other cargo in an area near Class 1 (explosive) materials on board a vessel except:

(1) A power-operated truck designated EE or EX.

(2) A power-operated truck designated LPS, GS, D, or DS may be used under conditions acceptable to the COTP.

(e) *Other hazardous materials.* (1) Only an "EX", "EE", "GS", "LPA", or "DS" truck may be used in a hold or compartment containing Division 2.1 (flammable gas) materials, Class 3 (flammable liquids), Class 4 (flammable solids) materials, or Class 5 (oxidizers or organic peroxides) materials, cottons or other vegetable fibers, or bulk sulfur.

(2) Only a designated truck may be used to handle any other hazardous material not covered in paragraph (d) or (e)(1) of this section.

(f) *Minimum safety features.* In addition to the construction and design safety features required, each truck must have at least the following minimum safety features:

(1) The truck must be equipped with a warning horn, whistle, gong, or other device that may be heard clearly above normal shipboard noises.

(2) When the truck operation may expose the operator to danger from a falling object, the truck must be equipped with a driver's overhead guard. When the overall height of the truck with forks in the lowered position is limited by head room the overhead guard may be omitted. This overhead guard is only intended to offer protection from impact of small packages, boxes, bagged material, or similar hazards.

(3) A forklift truck used to handle small objects or unstable loads must be equipped with a load backrest extension having height, width, and strength sufficient to prevent any load, or part of it, from falling toward the mast when the mast is in a position of maximum backward tilt. The load backrest extension must be constructed in a manner that does not interfere with good visibility.

(4) The forks on a fork lift truck must be secured to the carriage so as to prevent any unintentional lifting of the toe which could create a hazard. The forks may not display permanent deformation when subjected to a test load of three times the rated capacity.

(5) Each fork extension or other attachment must be secured to prevent unintentional lifting or displacement on primary forks.

(6) Tires extending beyond the confines of the truck shall be provided with a guard to prevent the tires from throwing particles at the operator.

(7) Unless the steering mechanism is a type that prevents road reactions from causing the steering handwheel to spin, a mushroom type steering knob must be used to engage the palm of the operator's hand, or the steering mechanism must be arranged in some other manner to prevent injury. The knob must be mounted within the perimeter of the wheel.

(8) All steering controls must be confined within the clearnace of the truck or guarded so that moving of the controls will not result in injury to the operator when passing stanchions, obstructions or other.

§ 176.78

49 CFR Ch. I (10–1–17 Edition)

(g) *Special operating conditions.* (1) A truck may not be used on board a vessel unless prior notification of its use is given to the master or senior deck officer on board.

(2) Before a truck is operated on board a vessel, it must be in a safe operating condition as determined by the master or senior deck officer on board.

(3) Any truck that emits sparks or flames from the exhaust system must immediately be removed from service and may not be returned to service until the cause of these sparks or flames has been eliminated.

(4)–(5) [Reserved]

(6) All truck motors must be shut off immediately when a breakage or leakage of packages containing flammable liquids or gases, flammable solids, oxidizers, or organic peroxides occurs or is discovered.

(7) The rated capacity of the truck must be posted on the truck at all times in a conspicuous place. This capacity may not be exceeded.

(8) At least one Coast Guard approved marine type size 1 Type B, or UL approved 5BC portable fire extinguisher, or its approved equivalent, must be affixed to the truck in a readily accessible position or must be kept in close proximity, available for immediate use.

(9) The vessel's fire fighting equipment, both fixed (where installed) and portable, must be kept ready for immediate use in the vicinity of the space being worked.

(h) *Refueling.* (1) A truck using gasoline as fuel may not be refueled in the hold or on the weather deck of a vessel unless a portable non-spilling fuel handling system of not over five gallons capacity is used. Gasoline may not be transferred to a portable non-spilling fuel handling device on board the vessel.

(2) A truck using liquefied petroleum gas as fuel may not be refueled in the hold or on the weather deck of a vessel unless it is fitted with a removable tank and the hand-operated shutoff valve of the depleted tank is closed. In addition, the motor must be run until it stalls from lack of fuel and then the hand-operated shutoff valve closed before the quick disconnect fitting to the fuel tank is disconnected.

(3) A truck using diesel oil as fuel may not be refueled on the weather deck or in the hold of a vessel unless a portable container of not over a five gallon capacity is used. A truck may be refueled or a portable container may be refilled from a larger container of diesel fuel on the weather deck of a vessel if a suitable pump is used for the transfer operation and a drip pan of adequate size is used to prevent any dripping of fuel on the deck.

(4) Refueling must be performed under the direct supervision of an experienced and responsible person specifically designated for this duty by the person in charge of the loading or unloading of the vessel.

(5) Refueling may not be undertaken with less than two persons specifically assigned and present for the complete operation, at least one of whom must be experienced in using the portable fire extinguishers required in the fuel area.

(6) At least one Coast Guard approved marine type size 1 Type B or UL approved 5BC portable fire extinguisher or its approved equivalent, must be provided in the fueling area. This is in addition to the extinguisher required by paragraph (g)(8) of this section.

(7) The location for refueling trucks must be designated by the master or senior deck officer on board the vessel. "NO SMOKING" signs must be conspicuously posted in the area.

(8) The location designated for refueling must be adequately ventilated to insure against accumulation of any hazardous concentration of vapors.

(9) Before any truck in a hold is refueled or before any fuel handling device or unmounted liquefied petroleum gas cylinder is placed in a hold, the motors of all trucks in the same hold must be stopped.

(10) All fuel handling devices and unmounted liquefied petroleum gas containers must be removed from a hold before any truck motor is started and the trucks are placed in operation in that hold.

(i) *Replacing batteries.* Batteries for electrically powered trucks and for the ignition systems of internal combustion powered trucks may be changed in the hold of a vessel subject to the following conditions:

(1) Only suitable handling equipment may be employed.

(2) Adequate precautions must be taken to avoid damage to the battery, short circuiting of the battery, and spillage of the electrolyte.

(j) *Charging of batteries.* Batteries of industrial trucks may be recharged in a hold of a vessel subject to the following conditions:

(1) The batteries must be housed in a suitable, ventilated, portable metal container with a suitable outlet at the top for connection of a portable air hose, or must be placed directly beneath a suitable outlet at the top for connection of a portable air hose. The air hose must be permanently connected to an exhaust duct leading to the open deck and terminate in a gooseneck or other suitable weather head. If natural ventilation is not practicable or adequate, mechanical means of exhaust must be employed in conjunction with the duct. The air outlet on the battery container must be equipped with an interlock switch so arranged that the charging of the battery cannot take place unless the air hose is properly connected to the box.

(2) If mechanical ventilation is used, an additional interlock must be provided between the fan and the charging circuit so that the fan must be in operation in order to complete the charging circuit for operation. It is preferable that this interlock switch be of a centrifugal type driven by the fan shaft.

(3) The hold may not contain any hazardous materials.

(4) The charging facilities may be part of the truck equipment or may be separate from the truck and located inside or outside the cargo hold. The power supply or charging circuit (whichever method is used) must be connected to the truck by a portable plug connection of the break-away type. This portable plug must be so engaged with the truck battery charging outlet that any movement of the truck away from the charging station will break the connection between the plug and receptacle without exposing any live parts to contact with a conducting surface or object and without the plug falling to the deck where it may become subject to damage.

(5) All unmounted batteries must be suitably protected or removed from an area in the hold of the vessel before any truck is operated in that area.

(k) *Stowage of power-operated industrial trucks on board a vessel.* Trucks stowed on board a vessel must meet vessel stowage requirements in § 176.905.

(1) *Packaging and stowage of fuel on board a vessel.* Division 2.1 (flammable gas) materials and flammable liquids used as fuel for industrial trucks must be packaged and stowed as authorized in 46 CFR 147.60 or 46 CFR 147.45, respectively.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1A, 41 FR 40687, Sept. 20, 1976; Amdt. 176-30, 55 FR 52689, Dec. 21, 1990; Amdt. 176-39, 61 FR 18933, Apr. 29, 1996; Amdt. 176-43, 62 FR 24741, May 6, 1997; 65 FR 58630, Sept. 29, 2000; 68 FR 61942, Oct. 30, 2003]

Subpart D—General Segregation Requirements

§ 176.80 Applicability.

(a) This subpart sets forth segregation requirements in addition to any segregation requirements set forth elsewhere in this subchapter.

(b) Hazardous materials in limited quantities when loaded in transport vehicles and freight containers, are excepted from the segregation requirements of this subpart and any additional segregation specified in this subchapter for transportation by vessel; except that articles of division 1.4, compatibility group S, shall not be stowed in the same compartment or hold, or cargo transport unit with hazardous materials of Class 1 of compatibility groups A and L.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-3, 42 FR 57967, Nov. 7, 1977; 80 FR 1164, Jan. 8, 2015]

§ 176.83 Segregation.

(a) *General.* (1) The requirements of this section apply to all cargo spaces on deck or under deck of all types of vessels, and to all cargo transport units.

(2) Segregation is obtained by maintaining certain distances between incompatible hazardous materials or by requiring the presence of one or more steel bulkheads or decks between them

or a combination thereof. Intervening spaces between such hazardous materials may be filled with other cargo which is not incompatible with the hazardous materials.

(3) The general requirements for segregation between the various classes of dangerous goods are shown in the segregation table. In addition to these general requirements, there may be a need to segregate a particular material from other materials which would contribute to its hazard. Such segregation requirements are indicated by code numbers in Column 10B of the §172.101 Table.

(4) Segregation is not required:

(i) Between hazardous materials of different classes which comprise the same substance but vary only in their water content (for example, sodium sulfide in Division 4.2 or Class 8) or quantity for Class 7 materials; or

(ii) Between hazardous materials of different classes which comprise a group of substances that do not react dangerously with each other. The following materials are grouped by compatibility:

(A) Hydrogen peroxide, aqueous solutions *with not less than 8 percent but less than 20 percent hydrogen peroxide (stabilized as necessary)*; Hydrogen peroxide, aqueous solutions *with not less than 20 percent but not more than 40 percent hydrogen peroxide*; Hydrogen peroxide, aqueous solutions *with more than 40 percent but not more than 60 percent hydrogen peroxide*; Hydrogen peroxide and peroxyacetic acid mixtures, stabilized *with acids, water and not more than 5 percent peroxyacetic acid*; Organic peroxide type D, liquid; Organic peroxide type E, liquid; Organic peroxide type F, liquid;

(B) Dichlorosilane, Silicon tetrachloride, and Trichlorosilane; and

(C) Organometallic substance, solid, pyrophoric; Organometallic substance, liquid, pyrophoric; Organometallic substance, solid, pyrophoric, water-reactive; Organometallic substance, liquid, pyrophoric, water-reactive; Organometallic substance, solid, water-reactive, flammable; Organometallic substance, solid, water-reactive, self-heating; Organometallic substance, liquid,

water-reactive; Organometallic substance, liquid, water-reactive, flammable; and Organometallic substance, solid, self-heating.

(5) Whenever hazardous materials are stowed together, whether or not in a cargo transport unit, the segregation of such hazardous materials from others must always be in accordance with the most restrictive requirements for any of the hazardous materials concerned.

(6) When the §172.101 Table or §172.402 requires packages to bear a subsidiary hazard label or labels, the segregation appropriate to the subsidiary hazards must be applied when that segregation is more restrictive than that required by the primary hazard. For the purposes of this paragraph, the segregation requirements corresponding to an explosive subsidiary hazard are—except for organic peroxides which are those corresponding to Division 1.3—those for Division 1.4 (explosive) materials.

(7) Where, for the purposes of segregation, terms such as “away from” a particular hazard class are used in the §172.101 Table, the segregation requirement applies to:

(i) All hazardous materials within the hazard class; and

(ii) All hazardous materials for which a secondary hazard label of that class is required.

(8) Notwithstanding the requirements of paragraphs (a)(6) and (a)(7) of this section, hazardous materials of the same class may be stowed together without regard to segregation required by secondary hazards (subsidiary risk label(s)), provided the substances do not react dangerously with each other and cause:

(i) Combustion and/or evolution of considerable heat;

(ii) Evolution of flammable, toxic or asphyxiant gases;

(iii) The formation of corrosive substances; or

(iv) The formation of unstable substances.

(9) Stowage in a shelter-tween deck cargo space is not considered to be “on deck” stowage.

(10) Where the code in column (10B) of the §172.101 Table specifies that “Segregation as for . . .” applies, the segregation requirements applicable to

that class in the §176.83(b) General Segregation Table must be applied. However, for the purposes of paragraph (a)(8) of this section, which permits substances of the same class to be stowed together provided they do not react dangerously with each other, the segregation requirements of the class as represented by the primary hazard class in the §172.101 Table entry must be applied.

(11) Certain exceptions from segregation for waste cyanides or waste cyanide mixtures or solutions transported with acids; waste Division 4.2 materials transported with Class 8 liquids; and waste Division 6.1 Packing Group I, Hazard Zone A material transported

with waste Class 3 material, Class 8 liquids, and Division 4.1, 4.2, 4.3, 5.1 or 5.2 material are set forth in §173.12(e) of this subchapter.

(b) *General Segregation Table.* The following table sets forth the general requirements for segregation between the various classes (divisions) of hazardous materials. Certain divisions are listed as separate hazard classes for the purpose of this table (*e.g.*, “2.1” and “2.2”). The properties of materials within each class may vary greatly and may require greater segregation than is reflected in this table. If the §172.101 Table sets forth particular requirements for segregation, they take precedence over these general requirements.

TABLE 176.83(b)—GENERAL SEGREGATION REQUIREMENTS FOR HAZARDOUS MATERIALS
 [Segregation must also take account of a single secondary hazard label, as required by paragraph (a)(6) of this section.]

Class	1.1, 1.2, 1.5	1.3	1.4, 1.6	2.1	2.2	2.3	3	4.1	4.2	4.3	5.1	5.2	6.1	6.2	7	8	9
Explosives, 1.1, 1.2, 1.5	(*)	(*)	(*)	4	2	2	4	4	4	4	4	4	2	4	2	4	X
Explosives, 1.3	(*)	(*)	(*)	4	2	2	4	3	3	4	4	4	2	4	2	2	X
Explosives, 1.4, 1.6	(*)	(*)	(*)	2	1	1	2	2	2	2	2	2	X	4	2	2	X
Flammable gases 2.1	4	4	2	X	X	X	2	1	2	2	2	2	X	4	2	1	X
Non-toxic, non-flammable gases 2.2	2	2	1	X	X	X	1	X	1	X	X	1	X	2	1	X	X
Poisonous gases 2.3	2	2	1	X	X	X	2	X	2	X	X	2	X	2	1	X	X
Flammable liquids 3	4	4	2	2	1	2	X	X	2	2	2	2	X	3	2	X	X
Flammable solids 4.1	4	3	2	1	X	X	X	X	1	X	1	2	X	3	2	1	X
Spontaneously combustible substances 4.2	4	3	2	2	1	2	2	1	X	1	2	2	1	3	2	1	X
Substances which are dangerous when wet 4.3	4	4	2	2	X	X	2	X	1	X	2	2	X	2	2	1	X
Oxidizing substances 5.1	4	4	2	2	X	X	2	1	2	2	2	2	1	3	1	2	X
Organic peroxides 5.2	4	4	2	2	1	2	2	2	2	2	2	X	1	3	2	2	X
Poisons 6.1	2	2	X	X	X	X	X	X	1	X	1	1	X	1	X	X	X
Infectious substances 6.2	4	4	4	4	2	2	3	3	3	2	3	3	1	X	3	3	X
Radioactive materials 7	2	2	2	2	1	1	2	2	2	2	1	2	2	X	X	2	X
Corrosives 8	4	4	2	1	X	X	X	1	1	1	2	2	X	3	2	2	X
Miscellaneous dangerous substances 9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Numbers and symbols relate to the following terms as defined in this section:

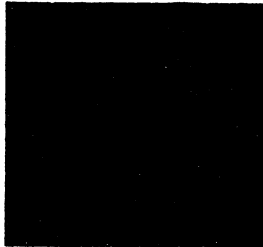
- 1—"Away from."
- 2—"Separated from."
- 3—"Separated by a complete compartment or hold from."
- 4—"Separated longitudinally by an intervening complete compartment or hold from."
- X—"The segregation, if any, is shown in the § 172.101 table."
- *—See § 176.144 of this part for segregation within Class 1.

(c) *Segregation requirements for breakbulk cargo.* (1) The requirements of this paragraph apply to the segregation of packages containing hazardous materials and stowed as breakbulk cargo;

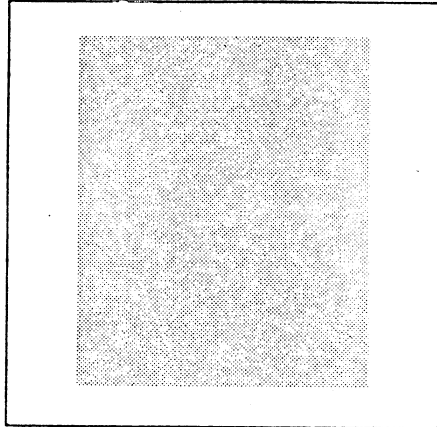
(2) Definition of the segregation terms:

(i) Legend:

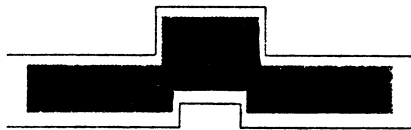
(A) Package containing incompatible goods.



(B) Reference package.



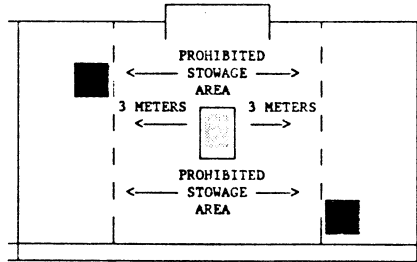
(C) Deck resistant to fire and liquid.



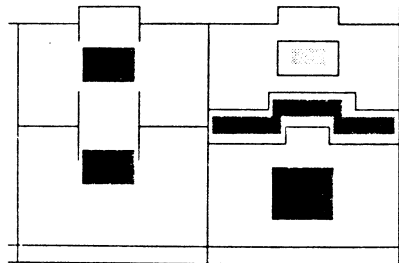
NOTE: Full vertical lines represent transverse bulkheads between compartments or holds resistant to fire and liquid.

(ii) *“Away from”*: Effectively segregated so that the incompatible mate-

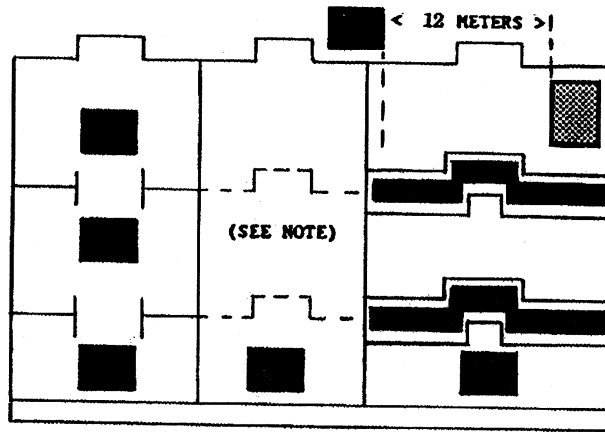
rials cannot interact dangerously in the event of an accident but may be carried in the same compartment or hold or on deck provided a minimum horizontal separation of 3 m (10 feet) projected vertically is obtained.



(iii) *“Separated From”*: In different compartments or holds when stowed under deck. If the intervening deck is resistant to fire and liquid, a vertical separation (i.e., in different compartments) is acceptable as equivalent to this segregation. For “on deck” stowage, this segregation means a separation by a distance of at least 6 m (20 feet) horizontally.

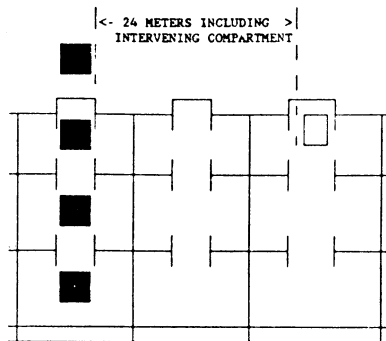


(iv) *“Separated by a complete compartment or hold from”*: Either a vertical or horizontal separation. If the intervening decks are not resistant to fire and liquid, then only a longitudinal separation (i.e., by an intervening complete compartment or hold) is acceptable. For “on deck” stowage, this segregation means a separation by a distance of at least 12 m (39 feet) horizontally. The same distance must be applied if one package is stowed “on deck”, and the other one in an upper compartment.



NOTE: One of the two decks must be resistant to fire and liquid.

(v) "Separated longitudinally by an intervening complete compartment or hold from": Vertical separation alone does not meet this requirement. Between a package "under deck" and one "on deck" a minimum distance of 24 m (79 feet) including a complete compartment must be maintained longitudinally. For "on deck" stowage, this segregation means a separation by a distance of at least 24 m (79 feet) longitudinally.



(d) Segregation in cargo transport units: Two hazardous materials for which any segregation is required may not be stowed in the same cargo transport unit.

(e) Segregation of hazardous materials stowed as breakbulk cargo from those

packed in cargo transport units: (1) Hazardous materials stowed as breakbulk cargo must be segregated from materials packed in open cargo transport units in accordance with paragraph (c) of this section.

(2) Hazardous materials stowed as breakbulk cargo must be segregated from materials packed in closed cargo transport units in accordance with paragraph (c) of this section, except that:

(i) Where "away from" is required, no segregation between packages and the closed cargo transport units is required; and

(ii) Where "separated from" is required, the segregation between the packages and the closed cargo transport units may be the same as for "away from".

(f) Segregation of cargo transport units on board container vessels: (1) Except for hatchless container ships, this paragraph applies to segregation of cargo transport units that are carried on board container vessels, or on other types of vessels, provided these cargo spaces are properly fitted for permanent stowage of containers during transport.

(2) For container vessels which have cargo spaces used for breakbulk cargo or any other method of stowage, the appropriate paragraph of this section applies to the relevant cargo space.

Pipeline and Haz. Matls. Safety Admin., DOT

§ 176.83

(3) *Segregation Table*. Table §176.83(f) sets forth the general requirements for segregation between cargo transport units on board container vessels.

(4) In table §176.83(f), a *container space* means a distance of not less than 6 m (20 feet) fore and aft or not less than 2.5 m (8 feet) athwartship.

TABLE 176.83(f)—SEGREGATION OF CONTAINERS ON BOARD CONTAINER SHIPS

Segregation requirement	Vertical			Horizontal							
	Closed versus closed	Closed versus open	Open versus open	Closed versus closed		Closed versus open		Open versus open			
				On deck	Under deck	On deck	Under deck	On deck	Under deck		
1. "Away from"	One on top of the other permitted.	Open on top of closed permitted.	Not in the same vertical line unless segregated by a deck.	No restriction	No restriction	No restriction	No restriction	One container space.	One container space.	One container space or one bulkhead.	One container space.
2. "Separated from".	Not in the same vertical line unless segregated by a deck.	As for open versus open.	Not in the same vertical line unless segregated by a deck.	One container space.	One container space.	One container space.	One container space.	One container space.	One container space.	One bulkhead.	One bulkhead.
3. "Separated by a complete compartment or hold from".	Not in the same vertical line unless segregated by a deck.	As for open versus open.	Not in the same vertical line unless segregated by a deck.	One container space.	One container space.	One container space.	One container space.	One container space.	One container space.	Two bulkheads.	Two bulkheads.
4. "Separated longitudinally by an intervening complete compartment or hold from".	Prohibited .....	.....	.....	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

* Containers not less than 6 m (20 feet) from intervening bulkhead.
NOTE: All bulkheads and decks must be resistant to fire and liquid.

(g) *Segregation of cargo transport units on board trailerships and trainships:* (1) The requirements of this paragraph apply to the segregation of cargo transport units which are carried on board trailerships and trainships or in “roll-on/roll-off” cargo spaces.

(2) For trailerships and trainships which have spaces suitable for

breakbulk cargo, containers, or any other method of stowage, the appropriate paragraph of this section applies to the relevant cargo space.

(3) *Segregation Table.* Table §176.83(g) sets forth the general requirements for segregation between transport units on board trailerships and trainships.

TABLE 176.83(g)—SEGREGATION OF CARGO TRANSPORT UNITS ON BOARD TRAILERSHIPS AND TRAINSHIPS.

Segregation requirement		Closed versus closed		Closed versus open		Open versus open	
		On deck	Under deck	On deck	Under deck	On deck	Under deck
		1. “Away From”	Fore and aft	No restriction	No restriction	No restriction	No restriction	At least 3 m	At least 3 m.
2. “Separated from”.	Athwartships	No restriction	No restriction	No restriction	No restriction	At least 3 m	At least 3 m.
	Fore and aft	At least 6 m	At least 6 m or one bulkhead.	At least 6 m	At least 6 m or one bulkhead.	At least 6 m	At least 12 m or one bulkhead
3. “Separated by a complete compartment or hold from”.	Athwartships	At least 3 m	At least 3 m or one bulkhead.	At least 3 m	At least 6 m or one bulkhead.	At least 6 m	At least 12 m or one bulkhead
	Fore and aft	At least 12 m	At least 24 m + deck.	At least 24 m	At least 24 m + deck.	At least 36 m	Two decks or two bulkheads.
4. “Separated longitudinally by an intervening complete compartment or hold from”.	Athwartships	At least 12 m	At least 24 m + deck.	At least 24 m	At least 24 m + deck.	At least 36 m	Prohibited.
	Fore and aft	At least 36 m	Two bulkheads or at least 36 m + two decks.	At least 36 m	At least 48 m including two bulkheads.	At least 48 m	Prohibited.
	Athwartships	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited.

NOTE: All bulkheads and decks must be resistant to fire and liquid.

(h) *Segregation on board barge carrying vessels:* (1) The requirements of this section apply to the segregation in shipborne barges as well as to the segregation between shipborne barges carried on board vessels specially designed and equipped to carry such barges.

(2) On barge-carrying vessels which incorporate other stowage spaces or any other method of stowage, barges containing hazardous materials must be segregated from hazardous materials not stowed in barges as prescribed in paragraphs (b) and (j) of this section.

(i) *Segregation in shipborne barges:* Hazardous materials transported in shipborne barges must be segregated as prescribed in paragraphs (a), (b), and (c) of this section.

(j) *Segregation between shipborne barges on barge-carrying vessels:* (1) When a shipborne barge is loaded with two or more hazardous materials with different requirements for segregation,

the most stringent applicable segregation requirement must be applied.

(2) “Away from” and “separated from” require no segregation between shipborne barges.

(3) For barge-carrying vessels with vertical holds, “Separated by a complete compartment or hold from” means that separate holds are required. On barge-carrying vessels having horizontal barge levels, separate barge levels are required and the barges may not be in the same vertical line.

(4) “Separated longitudinally by an intervening complete compartment or hold from” means, for barge-carrying vessels with vertical holds, that separation by an intervening hold or engine room is required. On barge-carrying vessels having horizontal barge levels, separate barge levels and a longitudinal separation by at least two intervening barge spaces are required.

§ 176.83

49 CFR Ch. I (10–1–17 Edition)

(k) *Segregation requirements for ferry vessels:* A ferry vessel (when operating either as a passenger or cargo vessel) that cannot provide the separation required in this section may carry incompatible hazardous materials in separate transport vehicles if they are stowed to give the maximum possible separation.

(1) *Segregation of containers on board hatchless (open-top) container ships:* (1) This paragraph applies to the segregation of cargo transport units that are transported on board hatchless container ships provided that the cargo spaces are properly fitted to give permanent stowage of the cargo transport units during transport.

(2) For container ships that have both hatchless container spaces and other spaces suitable for breakbulk cargo, conventional container stowage, or any other method of stowage, the appropriate requirements of this section apply to the relevant cargo space.

(3) *Segregation Table.* Table §176.83(1)(3) sets forth the general requirements for segregation of cargo transport units on board hatchless container ships.

(4) In Table §176.83(1)(3), a container space means a distance of not less than 6 m (20 feet) fore and aft or not less than 2.5 m (8 feet) athwartship.

TABLE § 176.83(L)(3)—SEGREGATION OF CARGO TRANSPORT UNITS ON BOARD HATCHLESS CONTAINER SHIPS

Segregation requirement	Vertical				Horizontal						
	Closed versus closed	Closed versus open	Open versus open		Closed versus closed		Closed versus open				
					On deck	Under deck	On deck	Under deck			
1. "Away from"	On top of the other permitted.	Open on top of closed permitted.	.....	Fore and aft	No restriction	No restriction	No restriction	One container space.	One container space or bulk-head.	Under deck	One container space or bulk-head.
2. "Separated from" .....	.....	Otherwise as for "Open versus open".	.....	Athwart ships.	No restriction	No restriction	No restriction	One container space.	One container space.	One container space.	One container space.
3. "Separated by a complete compartment or hold from"	Not in the same vertical line.	As for "Open versus open".	.....	Fore and aft	One container space.	One container space.	One container space or bulk-head.	One container space.	One container space and not in or above same hold.	Two container spaces.	One bulkhead.
4. "Separated longitudinally by an intervening compartment or hold from"	Prohibited ...	Prohibited ...	.....	Athwart ships.	One container space and not in or above same hold.	Two container spaces and not in or above same hold.	One bulkhead	One container space and not in or above same hold.	One bulkhead	One bulkhead	Two bulk-heads.
	Prohibited ...	Prohibited ...	.....	Fore and aft	Minimum horizontal distance of 24 m and not in or above same hold.	Minimum horizontal distance of 24 m and not in or above same hold.	Minimum horizontal distance of 24 m and not in or above same hold.	Minimum horizontal distance of 24 m and not in or above same hold.	Minimum horizontal distance of 24 m and not in or above same hold.	Two bulk-heads.	Two bulk-heads.
	Prohibited	Prohibited .....	.....	Athwart ships.	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

* Containers not less than 6 m (20 feet) from intervening bulkhead
 Note: All bulkheads and decks must be resistant to fire and liquid.

§ 176.84

49 CFR Ch. I (10–1–17 Edition)

(m) *Provisions for segregation groups:*
 (1) For the purpose of segregation, materials having certain similar chemical properties have been grouped together in segregation groups. The segregation groups (such as “acids”, “chlorates”, “permanganates”) and the entries allocated to each of these groups include the substances identified in section 3.1.4 of the IMDG Code (IBR, see §171.7 of this subchapter). When column (10B) of the §172.101 Table refers to a numbered stowage provision set forth in §176.84(b) such as “Stow ‘away from’ acids”, that particular stowage/segregation requirement applies to all the materials allocated to the respective segregation group.

(2) Not all hazardous materials falling within a segregation group are listed by name in the regulations. These materials are shipped under “n.o.s.” entries. Although these “n.o.s.” entries are not listed themselves in the above groups, the person who offers a hazardous material for transportation must decide whether allocation under a segregation group is appropriate.

(3) The segregation groups described above do not address materials that fall outside the classification criteria of the hazardous materials regulations, although it is recognized that some non-hazardous materials have certain chemical properties similar to hazardous materials listed in the segregation groups. A person who offers a hazardous material for transportation or the person responsible for packing the materials into a cargo transport unit who does have knowledge of the chemical properties of such non-hazardous materials may identify a relevant segregation group and apply the segregation requirements for that segregation group.

[Amdt. 176-30, 55 FR 52690, Dec. 21, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §176.83, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§176.84 Other requirements for stowage, cargo handling, and segregation for cargo vessels and passenger vessels.

(a) *General.* When Column 10B of the §172.101 Table refers to a numbered or

alpha-numeric stowage provision for water shipments, the meaning and requirements of that provision are set forth in this section. Terms in quotation marks are defined in §176.83. Other terms used in the table in this section such as “acids”, “chlorates” and “permanganates” indicate different chemical groups referred to here as segregation groups. Materials falling within a segregation group are considered to have certain similar chemical properties and, although not exhaustive in nature, the materials belonging to each group include those substances identified in section 3.1.4 of the IMDG Code (IBR, see §171.7 of this subchapter) as set forth in §176.83(m).

(b) *Table of provisions:*

Code	Provisions
1	[Reserved]
2	Temperature controlled material.
3	Do not stow with high explosives.
4	Stow “Separated from” liquid organic materials.
5	Stow “Separated from” powdered metals and their compounds.
6	Emergency temperature material.
7	[Reserved]
8	Glass carboys not permitted on passenger vessels.
9	Glass carboys not permitted under deck.
10	Glass bottles not permitted under deck.
11	Keep away from heat and open flame.
12	Keep as cool as reasonably practicable. ³
13	Keep as dry as reasonably practicable. ³
14	For metal drums, stowage permitted under deck on cargo vessels.
15	May be stowed in portable magazine or metal locker.
16	No other cargo may be stowed in the same hold with this material.
17	Segregation same as for flammable gases but “away from” dangerous when wet.
18	Prohibited on any vessel carrying explosives (except explosives in Division 1.4, Compatibility group S).
20	Segregation same as for corrosives.
21	Segregation same as for flammable liquids.
22	Segregation same as for flammable liquids if flash point is below 60 °C (140 °F).
23	Segregation same as for flammable liquids if flash point is between 23 °C (73 °F) and 60 °C (140 °F).
24	Segregation same as for flammable solids.
25	Protected from sources of heat
26	Stow “away from” acids. ²
27	Stow “away from” alkaline compounds. ²
28	Stow “away from” flammable liquids.
29	Stow “away from” ammonium compounds.
30	Stow “away from” animal or vegetable oils.
31	Stow “away from” combustible materials.
32	Stow “away from” copper, its alloys and its salts.
33	Stow “away from” fluorides.
34	Stow “away from” foodstuffs.
35	Stow “away from” all odor-absorbing cargo.
36	Stow “away from” heavy metals and their compounds.

Code	Provisions	Code	Provisions
37	Stow "away from" hydrazine.	86	Stow "separated by a complete compartment or hold from" explosives Division 1.3.
38	Stow "away from" all other corrosives.	87	Stow "separated from" Class 1 (explosives) except Division 1.4.
39	Stow "away from" liquid halogenated hydrocarbons.	88	Stow "separated by a complete compartment or hold from" Class 1 (explosives) except Division 1.4.
40	Stow "clear of living quarters".	89	Segregation same as for oxidizers.
41	Stow "away from" mercury and its compounds.	90	Stow "separated from" radioactive materials.
42	Stow "away from" nitric acids and perchloric acids not exceeding 50 percent acid by weight.	91	Stow "separated from" flammable liquids.
43	Stow "away from" organic materials.	92	Stow "separated from" powdered materials.
44	Stow "away from" oxidizers.	93	Stow not accessible to unauthorized persons on passenger vessels.
45	Stow "away from" permanganates.	94	Plastic jerricans and plastic drums not permitted under deck.
46	Stow "away from" powdered metals.	95	Stow "separated from" foodstuffs.
47	Stow "away from" sodium compounds.	96	Glass carboys not permitted under deck on passenger vessels.
49	Stow "away from" corrosives.	97	Stow "away from" azides.
51	Stow "separated from" acetylene.	98	Stow "away from" all flammable materials.
52	Stow "separated from" acids. ^{1,2}	99	Only new metal drums permitted on passenger vessels.
53	Stow "separated from" alkaline compounds. ²	100	Stow "away from" flammable solids.
54	Stow "separated from" animal or vegetable oils.	101	Stow "separated from" iron oxide.
55	Stow "separated from" ammonia.	102	Stow "separated from" all odor absorbing cargoes.
56	Stow "separated from" ammonium compounds.	103	Only to be loaded under dry weather conditions.
57	Stow "separated from" chlorine.	104	Stow "separated from" bromine.
58	Stow "separated from" cyanides.	105	As approved by the Competent Authority of the country concerned.
59	Stow "separated from" combustible materials.	106	Stow "separated from" powdered metal.
60	Stow "separated from" chlorates, chlorites, hypochlorites, nitrites, perchlorates, permanganates, and metallic powders.	107	Stow "separated from" peroxides and superoxides.
61	Stow "separated from" corrosive materials.	108	The transport temperature should be indicated on the tank.
62	Stow "separated from" diborane.	109	Label as a flammable liquid if flash point is 60 °C (140 °F) or below.
63	Stow "separated from" diethylene triamine.	110	Packaging Group II if concentration does not exceed 70 percent acid.
64	Stow "separated from" explosives.	111	If concentration exceeds 50 percent acid, notes 66, 74, 89, and 90 apply.
65	Stow "separated from" flammable substances.	112	Packaging Group II for concentrations not less than 50 percent and Packaging Group III for concentrations less than 50 percent.
66	Stow "separated from" flammable solids.	113	Packaging Group II if concentrations does not exceed 60 percent acid.
67	Stow "separated from" halides.	114	Corrosive subsidiary risk label required unless concentration is less than 80 percent.
68	Stow "separated from" hydrogen.	115	If packaged in glass or earthenware inner packagings in wooden or fiberboard outer packagings, the maximum quantity on any vessel is 500 kg (equivalent to 450 L).
69	Stow "separated from" hydrogen peroxide.	116	In a cargo space capable of being opened up in an emergency. The possible need to open hatches in case of fire to provide maximum ventilation and to apply water in an emergency and the consequent risk to the stability of the ship through flooding of the cargo space should be considered before loading.
70	Stow "separated from" mercury salts.		
71	Stow "separated from" nitric acid.		
72	Stow "separated from" nitrogen compounds.		
73	Stow "separated from" chlorates.		
74	Stow "separated from" oxidizers.		
75	Stow "separated from" permanganates.		
76	Stow "separated by a complete compartment or hold from" organic peroxides.		
77	Stow "separated longitudinally by a complete compartment or hold from" explosives.		
78	Stow "separated longitudinally by an intervening complete compartment or hold from" explosives.		
79	The maximum net quantity in one package for this material shipped aboard a passenger vessel is limited to 22.7 kg (50 pounds).		
80	Toy torpedoes must not be packed with other special fireworks.		
81	Under deck stowage permitted only if an indicating substance such as chloropicrin has been added.		
82	Under deck stowage is permitted only if containing not more than 36 percent by weight of hydrazine.		
83	[Reserved]		
84	Under deck stowage must be in well-ventilated space.		
85	Under deck stowage must be in mechanically ventilated space.		

Code	Provisions
117	In a clean cargo space capable of being opened up in an emergency. In the case of bagged fertilizer in freight containers, it is sufficient if in the case of an emergency, the cargo is accessible through free approaches (hatch entries) and mechanical ventilation enables the master to exhaust any gases or fumes resulting from decomposition. The possible need to open hatches in case of fire to provide maximum ventilation and to apply water in an emergency and the consequent risk to the stability of the ship through flooding of the cargo space should be considered before loading.
118	Stowage—Category D, Category E freight containers and pallet boxes only. Ventilation may be required. The possible need to open hatches in a case of fire to provide maximum ventilation and to supply water in an emergency, and the consequent risk to the stability of the ship through flooding of the cargo space, should be considered before loading.
119	Double strip stowage recommended.
120	Provide good surface and through ventilation.
121	Packaging group III when the flash point of the flammable liquid is 23 °C (73 °F) or above.
122	Stow “separated from” infectious substances.
123	Stow “away from” infectious substances.
124	Stow “separated from” bromates.
125	Segregation same as for flammable liquids, but also “away from” flammable solids.
126	Segregation same as for Class 9, miscellaneous hazardous materials.
127	For packages carrying a subsidiary risk of Class 1 (explosives), segregation same as for Class 1, Division 1.3.
128	Stow in accordance with the IMDG Code, Sub-section 7.6.2.7.2 (incorporated by reference; see § 171.7 of this subchapter).
129	Stowage Category A applies, except for uranyl nitrate hexahydrate solution for which Category D applies.
130	Stowage Category A applies, except for uranyl nitrate hexahydrate solution, uranium metal hexahydrate solution, uranium metal pyrophoric and thorium metal pyrophoric for which Category D applies.
131	Stowage Category A applies, except for uranyl nitrate hexahydrate solution, uranium metal pyrophoric and thorium metal pyrophoric for which Category D applies, and taking into account any supplementary requirements specified in the transport documents.
132	Stowage A applies, taking into account any supplementary requirements specified in the transport documents.
133	Stow “separated from” sulfur.
134	Stow “separated from” UN2716.
135	Stow “Separated from” mercury and mercury compounds.
136	Stow “Separated from” carbon tetrachloride.
137	For arsenic sulphides, Stow “separated from” acids.
138	Stow “Separated from” peroxides.
141	Stow “away from” radioactive materials.
142	Packages in cargo transport units must be stowed so as to allow for adequate air circulation throughout the cargo.

Code	Provisions
144	When stowed under deck, mechanical ventilation shall be in accordance with SOLAS, Chapter II-2/Regulation 19 (IBR, see § 171.7 of this subchapter) for flammable liquids with flashpoint below 23 °C (73 °F).
145	Stow “separated from” ammonium compounds except for UN1444.
146	Category B stowage applies for unit loads in open cargo transport units.
147	Stow “separated from” flammable gases and flammable liquids.
148	In addition: from flammable gases and flammable liquids when stowed on deck of a containership a minimum distance of two container spaces athwartship shall be maintained, when stowed on ro-ro ships a distance of 6 m athwartship shall be maintained.
149	For engines or machinery containing fuels with flash point equal or greater than 23 °C (73.4 °F), stowage Category A.
150	For uranium metal pyrophoric and thorium metal pyrophoric stowage, category D applies.
M1—M6	[Reserved]

¹For waste cyanides or waste cyanide mixtures or solutions, refer to § 173.12(e) of this subchapter.
²Class 8 materials in PG II or III that otherwise are required to be segregated from one another may be transported in the same cargo transport unit, whether in the same packaging or not, provided the substances do not react dangerously with each other to cause combustion and/or evolution of considerable heat, or of flammable, toxic or asphyxiant gases, or the formation of corrosive or unstable substances; and the package does not contain more than 30 L (7.8 gallons) for liquids or 30 kg (66 lbs.) for solids.
³These requirements apply to the loading of hazardous materials in cargo transport units as well as the stowage of cargo transport units.

(c) *Provisions for the stowage of Class 1 (explosive) materials:* (1) Explosive substances and explosive articles must be stowed in accordance with Column (10A) and Column (10B) of the 172.101 Table of this subchapter.

(2) The following notes in column 10B of the § 172.101 Table apply to the transport of Class 1 (explosive) materials by vessel:

Notes	Provisions
5E	Stow “away from” lead and its compounds.
14E	On deck, cargo transport unit must be steel.
15E	On deck, cargo transport unit must be leak-proof.
17E	On deck stowage is recommended.
19E	“Away from” explosives containing chlorates or perchlorates.
21E	Cargo space ventilation must be carefully controlled to avoid excessive condensation.
22E	“Away from” ammonium compounds and explosives containing ammonium compounds or salts.
23E	“Separated from” Division 1.4 and “separated longitudinally by an intervening complete compartment or hold from” Division 1.1, 1.2, 1.3, 1.5, and 1.6 except from explosives of compatibility group J.

Notes	Provisions
26E	For closed cargo transport units, a non-metallic lining is required when not in effectively sealed, sift-proof packages.
27E	For closed cargo transport units, a non-metallic lining is required.

[Amdt. 176-30, 55 FR 52693, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; Amdt. 176-43, 62 FR 24742, May 6, 1997; 66 FR 33438, June 21, 2001; 66 FR 45185, 45384, Aug. 28, 2001; 67 FR 15744, Apr. 3, 2002; 68 FR 45040, July 31, 2003; 69 FR 76183, Dec. 20, 2004; 70 FR 3310, Jan. 24, 2005; 71 FR 78634, Dec. 29, 2006; 74 FR 2268, Jan. 14, 2009; 76 FR 3384, Jan. 19, 2011; 78 FR 1094, Jan. 7, 2013; 80 FR 1165, Jan. 8, 2015; 82 FR 15893, Mar. 30, 2017]

Subpart E—Special Requirements for Transport Vehicles Loaded With Hazardous Materials and Transported on Board Ferry Vessels

§ 176.88 Applicability.

The requirements in this subpart are applicable to transport vehicles containing hazardous materials being transported on board ferry vessels and are in addition to any prescribed elsewhere in this subchapter. Vessels in a service similar to a ferry service, but not over a designated ferry route, may be treated as a ferry vessel for the purpose of this subpart if approved in writing by the District Commander.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-1A, 41 FR 40690, Sept. 20, 1976]

§ 176.89 Control of transport vehicles.

(a) A transport vehicle containing hazardous materials may be transported on board a ferry vessel, subject to the following conditions:

- (1) The operator or person in charge of the vehicle shall deliver to the vessel's representative a copy of the shipping papers and certificate required by §§ 176.24 and 176.27;
- (2) The vehicle shall be placed at the location indicated by the vessel's representative;
- (3) The parking brakes of the vehicle shall be set securely to prevent movement;
- (4) The motor of a highway vehicle shall be shut off and not restarted until

the vessel has completed its voyage and docked;

(5) All vehicle lights shall be cut off and not relighted until the vessel has completed its voyage and docked;

(6) The operator of a highway vehicle shall remain with the vehicle;

(7) No repairs or adjustments must be made to the vehicle while it is on the vessel;

(8) No hazardous materials are to be released from the vehicle; and

(9) Any instructions given by the vessel's representative during the voyage, and during "roll on" and "roll off" operations must be observed.

(b) Smoking by any person in or around a vehicle is prohibited.

§ 176.90 Private automobiles.

(a) *Class 1 (explosive) material.* A private automobile which is carrying any Class 1 (explosive) material (except permitted fireworks or small arms ammunition) may not be transported on a passenger-carrying ferry vessel unless the Class 1 (explosive) material conforms to the packaging, labeling, marking, and certification requirements of this subchapter. Permitted fireworks and small arms ammunition may be carried without the required packaging, labeling, marking, or certification if they are in tight containers.

(b) *Engines, gasoline, or liquefied petroleum gas.* Engines, internal combustion, flammable gas powered or flammable liquid powered, including when fitted in machinery or vehicles (*i.e.* motor vehicles, recreational vehicles, campers, trailers), vehicle flammable liquid or flammable gas powered, gasoline, and petroleum gases, liquefied or liquefied petroleum gas when included as part of a motor home, recreational vehicle, camper, or trailer; are excepted from the requirements of this subchapter if the following conditions are met:

- (1) Any container showing deterioration which might affect its integrity must not be allowed on board the vessel. A visual inspection by a responsible member of the crew must be made of each cylinder of liquefied petroleum gas before it may be allowed aboard the vessel. A cylinder that has a crack or leak, is bulged, has a defective valve or a leaking or defective pressure relief

§ 176.91

device, or bears evidence of physical abuse, fire or heat damage, or detrimental rusting or corrosion, may not offered for transportation on board the vessel. Leaking or damaged containers of gasoline may not be offered for transportation on board the vessel.

(2) Motor vehicles may be stowed in the same hold or compartment or on the vehicle deck of passenger vessels with cylinders of liquefied petroleum gas when the cylinders are securely attached to recreational vehicles, such as campers or trailers.

(3) Extra containers of gasoline (including camp stove or lantern fuel) and portable cylinders of liquefied petroleum gas (including cylinders for camping equipment) not securely attached to recreational vehicles must be stowed in the vessel's paint locker. Containers must be securely closed.

(4) All liquefied petroleum gas cylinders must be secured by closing the shut-off valves prior to the recreational vehicles being loaded on the vessels. The owner or operator of each recreational vehicle must be directed to close all operating valves within the vehicles.

(5) "No smoking" signs must be posted on the vehicle decks and, if used for storage of hazardous materials; in close proximity to the vessel's paint locker.

(6) An hourly patrol of the vehicle decks must be made by a crewmember. Any unusual or dangerous situation must be reported to the vessel's master.

(7) Passengers may be allowed on the vehicle decks during the voyage and are subject to the control of the crew personnel conducting the continuous vehicle deck patrol.

(8) Each person responsible for performing a function authorized by this section must be trained in accordance with subpart H of part 172 of this subchapter and on the requirements of this section.

(9) Shipments made under this paragraph are subject to the Incident Reporting requirements prescribed in §§ 171.15 and 171.16 of this subchapter.

[81 FR 3682, Jan. 21, 2016]

§ 176.91 Motorboats.

A motorboat may be transported on board a ferry vessel with gasoline in

49 CFR Ch. I (10–1–17 Edition)

the tank and two other containers not exceeding 23 L (six gallons) capacity each if they are in the motorboat, closed, and in good condition.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-30, 55 FR 52695, Dec. 21, 1990]

§ 176.92 Cylinders laden in vehicles.

Any cylinder of Class 2 (compressed gas) material which is required to have a valve protection cap fitted in place may be transported on board a ferry vessel without having the valve protection cap in place when it is laden in a transport vehicle and is not removed from the vehicle while on the vessel.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-30, 55 FR 52695, Dec. 21, 1990]

§ 176.93 Vehicles having refrigerating or heating equipment.

(a) A transport vehicle fitted with refrigerating or heating equipment using a flammable liquid or Division 2.1 (flammable gas) material, or diesel oil as fuel, may be transported on a ferry vessel. However, the refrigerating or heating equipment may not be operated while the vehicle is on the vessel, unless the equipment complies with the following requirements:

(1) The installation is rigidly mounted and free of any motion other than normal vibration in operation;

(2) An easily accessible shutoff control is fitted to the fuel and electrical supply of the refrigerating or heating equipment; and

(3) The fuel storage tank, the fuel lines, the carburetor and any other fuel devices are tight and show no signs of leakage.

(b) If the vehicle operator desires to operate the refrigerating or heating equipment while on the vessel and the equipment is not fitted with automatic starting and stopping devices, it must be started before the vehicle is taken on board. It may continue in operation while the vehicle is on the vessel, but if the motor stops it may not be restarted.

(c) In the case of a ferry vessel on a voyage exceeding 30 minutes' duration, stowage must be provided for transport vehicles having refrigerating or heating equipment operated by internal

combustion engines which will permit ready diffusion of exhaust gases to the open air. Passenger vehicles may not be stowed in a position adjacent to vehicles operating internal combustion motors which expose the occupants of the passenger vehicles to excessive concentrations of exhaust fumes from such motors.

(d) A transport vehicle containing solid carbon dioxide as a refrigerant may be transported on a ferry vessel only if it is stowed in a well ventilated location.

[Amdt. 176-1, 41 FR 16110, Apr. 15, 1976, as amended by Amdt. 176-30, 55 FR 52695, Dec. 21, 1990; 68 FR 61942, Oct. 30, 2003]

Subpart F—Special Requirements for Barges

SOURCE: Amdt. 176-8, 44 FR 23228, Apr. 19, 1979, unless otherwise noted.

§ 176.95 Applicability.

The requirements prescribed in this subpart are applicable to the transportation of packaged hazardous materials on board barges. The requirements prescribed elsewhere in this subchapter for vessels similarly apply, except as provided in this subpart, to the transportation of packaged hazardous materials on board barges.

§ 176.96 Materials of construction.

Barges used to transport hazardous materials must be constructed of steel.

[Amdt. 176-30, 55 FR 52695, Dec. 21, 1990]

§ 176.97 Prohibition of dump scows.

Dump scows are barges having cargo carrying compartments of the hopper type and fitted with a bottom dump or a side dump. This type of barge is prohibited from the carriage of any class of hazardous material.

§ 176.98 Stowage of hazardous materials on board barges.

A material for which “on deck” stowage only is required by column (10) of the Hazardous Materials Table (§172.101 of this subchapter) may be stowed “under deck” on unmanned barges.

[Amdt. 176-8, 44 FR 23228, Apr. 19, 1979, as amended by Amdt. 176-30, 55 FR 52695, Dec. 21, 1990]

§ 176.99 Permit requirements for certain hazardous materials.

The permits required by §§176.100 and 176.415 for loading, unloading, and handling Divisions 1.1 and 1.2 (explosives) materials, Division 1.5 materials, ammonium nitrate and certain ammonium nitrate mixtures and fertilizers must be obtained before these materials may be loaded on, unloaded from, or handled on board a barge or barge-carrying vessel. However, a barge loaded with these materials being placed on, removed from, or handled on board a barge-carrying vessel is not subject to these permit requirements.

[Amdt. 176-30, 55 FR 52695, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; 66 FR 45384, Aug. 28, 2001]

Subpart G—Detailed Requirements for Class 1 (Explosive) Materials

SOURCE: Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, unless otherwise noted.

§ 176.100 Permit for Divisions 1.1 and 1.2 (explosive) materials.

Before Divisions 1.1 and 1.2 (explosive) materials may be discharged from, loaded on, handled or restowed on board a vessel at any place in the United States, the carrier must obtain a permit from the COTP in accordance with the procedures in 33 CFR 126.19. Exceptions to this permit requirement may be authorized by the COTP.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended by Amdt. 176-34, 58 FR 51533, Oct. 1, 1993; 66 FR 45385, Aug. 28, 2001]

§ 176.102 Supervisory detail.

(a) Except as provided in paragraph (c) of this section, the COTP may assign a USCG supervisory detail to any vessel to supervise the loading, handling or unloading of Class 1 (explosive) materials.

(b) The owner, agent, charterer, master or person in charge of the vessel, and all persons engaged in the handling, loading, unloading, and stowage of Class 1 (explosive) materials shall obey all orders that are given by the officer in charge of the supervisory detail.

(c) If Class 1 (explosive) materials are loaded onto or unloaded from a vessel at a facility operated or controlled by the Department of Defense, the Commanding Officer of that facility may decline the USCG supervisory detail. Whenever the supervisory detail is declined, the Commanding Officer of the facility shall ensure compliance with the regulations in this part.

§ 176.104 Loading and unloading Class 1 (explosive) materials.

(a) Packages of Class 1 (explosive) materials may not be thrown, dropped, rolled, dragged, or slid over each other or over a deck.

(b) When Class 1 (explosive) materials are stowed in a hold below one in which any cargo is being handled, the hatch in the deck dividing the two holds must have all covers securely in place.

(c) Drafts of Class 1 (explosive) materials must be handled in accordance with the following:

(1) A draft may not be raised, lowered, or stopped by sudden application of power or brake.

(2) A draft may not be released by tripping or freeing one side of the cargo-handling equipment and tumbling the Class 1 (explosive) materials off.

(3) All drafts, beams, shackles, bristles, slings, and hooks must be manually freed before the winch takes control.

(4) Slings may not be dragged from under a draft by winching except for the topmost layer in the hold when power removal is the only practical method and when the cargo cannot be toppled.

(5) Handles or brackets on packages in a draft may not be used for slinging purposes.

(d) A combination woven rope and wire sling or a sling that is formed by use of an open hook may not be used in handling Class 1 (explosive) materials.

(e) Only a safety hook or a hook that has been closed by wire may be used in handling drafts of Class 1 (explosive) materials.

(f) Wire rope or wire rope assemblies, including splices and fittings, used in handling Class 1 (explosive) materials must be unpainted and kept bare to permit inspection of their safe working

condition. A mechanical end fitting (pressed fitting) may be used in place of an eye splice, if the efficiency of the mechanical end fitting is at least equal to the efficiency of an eye splice prepared as prescribed in 29 CFR 1918.51(c)(1).

(g) Packages of Division 1.1 and 1.2 materials that are not part of a palletized unit must be loaded and unloaded from a vessel using a chute, conveyor or a mechanical hoist and a pallet, skipboard, tray or pie plate fitted with a cargo net or sideboards.

(h) Packages of Division 1.1 and 1.2 (explosive) materials must be loaded or unloaded in accordance with the following:

(1) A cargo net with a pallet, skipboard, tray, or pie plate, must be loaded so that no more than a minimum displacement of packages occurs when it is lifted.

(2) A cargo net must completely encompass the bottom and sides of the draft. The mesh of the cargo net must be of a size and strength that will prevent a package in the draft from passing through the net.

(3) When a tray is used in handling packages, no package may extend more than one-third its vertical dimension above the sideboard of the tray.

(i) A landing mat must be used when a draft of nonpalletized Division 1.1 or 1.2 (explosive) materials is deposited on deck. The landing mat must have dimensions of at least 1 m (3 feet) wide, 2 m (7 feet) long, and 10 cm (3.9 inches) thick, and be made of woven hemp, sisal, or similar fiber, or foam rubber, polyurethane or similar resilient material.

(j) In addition to the other requirements of this section, packages of Division 1.1 and 1.2 (explosive) materials must be handled in accordance with the following:

(1) Packages may not be loaded or unloaded through a hatch at the same time that other cargo is being handled in any hold served by that hatch.

(2) Packages may not be loaded or unloaded from the same hatch by using two pieces of cargo equipment unless the equipment is positioned at the forward and aft ends of the hatch.

(3) Packages may not be lifted over any hazardous materials.

(4) The height of any structure, equipment, or load on a deck over which packages must be lifted may not be higher than the hatch coaming or bulwark, or 1 m (3 feet), whichever is greater.

(k) Unpackaged explosive devices may not be handled by their lifting lugs or suspension lugs.

(l) A chute may not be used when loading or unloading Class 1 (explosive) materials in compatibility group A or B.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended by Amdt. 176-40, 61 FR 27175, May 30, 1996; 65 FR 58630, Sept. 29, 2000; 66 FR 45384, 45385, Aug. 28, 2001; 80 FR 72928, Nov. 23, 2015]

§ 176.108 Supervision of Class 1 (explosive) materials during loading, unloading, handling and stowage.

(a) During the loading, unloading, handling and stowage of Class 1 (explosive) materials, a responsible person shall be in constant attendance during the entire operation to direct the loading, unloading, handling and stowage of Class 1 (explosive) materials, including the preparation of the holds. The responsible person must be aware of the hazards involved and the steps to be taken in an emergency, and must maintain sufficient contact with the master to ensure proper steps are taken in an emergency.

(b) Each person involved in the handling of Class 1 (explosive) materials on a vessel shall obey the orders of the responsible person.

(c) The responsible person must inspect all cargo-handling equipment to determine that it is in safe operating condition before it is used to handle Class 1 (explosive) materials.

STOWAGE

§ 176.112 Applicability.

The provisions of §§ 176.116(e), 176.118, and 176.120 of this subpart do not apply to Division 1.4 (explosive) materials, compatibility group S. Such materials may be stowed together with all other Class 1 (explosive) materials except those of compatibility group A or L. They must be segregated from other

hazardous materials in accordance with table 176.83(b) of this part.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.116 General stowage conditions for Class 1 (explosive) materials.

(a) *Stowage Location:* (1) Class 1 (explosive) materials must be stowed in a cool part of the ship and must be kept as cool as practicable while on board. Class 1 (explosives) must be stowed as far away as practicable from any potential source of heat or ignition.

(2) With the exception of division 1.4 (explosive) materials, Class 1 (explosive) materials may not be positioned closer to the ship's side than a distance equal to one eighth of the beam or 2.4 m (8 feet), whichever is less.

(3) Except where the consignment of Class 1 (explosive) materials consists only of explosive articles, the wearing of shoes or boots with unprotected metal nails, heels, or tips of any kind is prohibited.

(b) *Wetness:* (1) Spaces where Class 1 (explosive) materials are stowed below deck must be dry. In the event of the contents of packages being affected by water when on board immediate advice must be sought from the shippers; pending this advice handling of the packages must be avoided.

(2) Bilges and bilge sections must be examined and any residue of previous cargo removed before Class 1 materials (explosive) are loaded onto the vessel.

(c) *Security:* All compartments, magazines, and cargo transport units containing Class 1 (explosive) materials must be locked or suitably secured in order to prevent unauthorized access.

(d) *Secure stowage:* Class 1 (explosive) materials must be securely stowed to prevent shifting in transit; where necessary, precautions must be taken to prevent cargo sliding down between the frames at the ship's sides.

(e) *Separation from accommodation spaces and machinery spaces:* (1) Class 1 (explosive) materials must be stowed as far away as practicable from any accommodation spaces or any machinery space and may not be stowed directly above or below such a space. The requirements in paragraphs (e)(2) through (e)(4) of this section are minimum requirements in addition to the

applicable requirements of 46 CFR chapter I. Where the requirements of this subpart are less stringent than those of 46 CFR chapter I, the 46 CFR chapter I requirements must be satisfied for ships to which they are applicable.

(2) There must be a permanent A Class steel bulkhead between any accommodation space and any compartment containing Class 1 (explosive) materials. Division 1.1, 1.2, 1.3, or 1.5 materials may not be stowed within 3 m (10 feet) of this bulkhead; in the decks immediately above or below an accommodation space they must be stowed at least 3 m (10 feet) from the line of this bulkhead projected vertically.

(3) There must be a permanent A Class steel bulkhead between a compartment containing Class 1 (explosive) materials and any machinery space. Class 1 (explosive) materials, except those in Division 1.4 (explosive), may not be stowed within 3 m (10 feet) of this bulkhead; and in the decks above or below the machinery space they must be stowed at least 3 m (10 feet) from the line of this bulkhead projected vertically. In addition to this separation, there must be insulation to Class A60 standard as defined in 46 CFR 72.05–10(c)(1) if the machinery space is one of Category ‘A’ unless the only Class 1 (explosive) materials carried are in Division 1.4S (explosive).

(4) Where Class 1 (explosive) materials are stowed away from bulkheads bounding any accommodation space or machinery space, the intervening space may be filled with cargo that is not readily combustible.

(f) [Reserved]

[Amdt. 176–30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, 45385, Aug. 28, 2001; 69 FR 76183, Dec. 20, 2004; 68 FR 61942, Oct. 30, 2003; 78 FR 1095, Jan. 7, 2013; 80 FR 72928, Nov. 23, 2015]

§ 176.118 Electrical requirement.

(a) Electrical equipment and cables installed in compartments in which Class 1 (explosive) materials are stowed which do not need to be energized during the voyage must be isolated from the supply so that no part of the circuit within the compartment is energized. The method of isolation may be

by withdrawal of fuses, opening of switches or circuit breakers, or disconnection from bus bars. The means, or access to the means, of disconnection/reconnection must be secured by a locked padlock under the control of a responsible person.

(b) Electrical equipment and cables in a cargo space in which Class 1 (explosive) materials are stowed which are energized during the voyage for the safe operation of the ship must meet the requirements of subchapter J of 46 CFR chapter I. Before Class 1 (explosive) materials are loaded aboard a vessel, all cables must be tested by a skilled person to ensure that they are safe and to determine satisfactory grounding, insulation resistance, and continuity of the cable cores, metal sheathing or armoring.

(c) All Class 1 (explosive) materials must be stowed in a safe position relative to electrical equipment and cables. Additional physical protection must be provided where necessary to minimize possible damage to the electrical equipment or cables, especially during loading and unloading.

(d) Cable joints in the compartments must be enclosed in metal-clad junction boxes.

(e) All lighting equipment and cables must be of the fixed type, and must meet the relevant inspection, test, and installation standards of 46 CFR chapter I, subchapter J.

[Amdt. 176–30, 55 FR 52696, Dec. 21, 1990, as amended by Amdt. 176–34, 58 FR 51533, Oct. 1, 1993]

§ 176.120 Lightning protection.

A lightning conductor grounded to the sea must be provided on any mast or similar structure on a vessel on which Class 1 (explosive) materials are stowed unless effective electrical bonding is provided between the sea and the mast or structure from its extremity and throughout to the main body of the hull structure. (Steel masts in ships of all welded construction comply with this requirement).

§§ 176.122–176.124 [Reserved]

§§ 176.128–176.136 [Reserved]

§ 176.137 Portable magazine.

(a) Each portable magazine used for the stowage of Class 1 (explosive) materials on board vessels must meet the following requirements:

(1) It must be weather-tight, constructed of wood or metal lined with wood at least 2 cm (0.787 inch) thick, and with a capacity of no more than 3.1 cubic m (110 cubic feet).

(2) All inner surfaces must be smooth and free of any protruding nails, screws or other projections.

(3) If constructed of wood, a portable magazine must be framed of nominal 5 cm × 10 cm (2 × 4 inch) lumber, and sheathed with nominal 20 mm (0.787 inch) thick boards or plywood.

(4) When constructed of metal, the metal must be not less than 3.2 mm (0.126 inch) thick.

(5) Runners, bearers, or skids must be provided to elevate the magazine at least 10 cm (3.9 inches) from the deck. Padeyes, ring bolts, or other suitable means must be provided for securing.

(6) If the portable magazine has a door or hinged cover, the door or cover must have a strong hasp and padlock or equally effective means of securing.

(7) The portable magazine must be marked on its top and four sides, in letters at least 8 cm (3 inches) high, as follows:

EXPLOSIVES—HANDLE CAREFULLY—
KEEP LIGHTS AND FIRE AWAY.

(b) A portable magazine which meets the requirements for a type 2 or type 3 magazine under 27 CFR part 555 subpart K may be used for the stowage of Class 1 (explosive) materials on board vessels.

(c) A portable magazine with a capacity exceeding 3.1 m³ (110 cubic feet) may be used for the stowage of Class 1 (explosive) materials under such construction, handling, and stowage requirements as the COTP approves.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45185, Aug. 28, 2001; 6 FR 56317, Sept. 13, 2011]

§ 176.138 Deck stowage.

(a) [Reserved]

(b) Class 1 (explosives) may not be stowed within a horizontal distance of 6 m (20 feet) from any source of heat and any possible sources of ignition. With the exception of division 1.4 (explosive) materials, Class 1 (explosives) materials may not be stowed within a horizontal distance of 12 m (39 feet) from the bridge, accommodation areas, and lifesaving appliances.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 69 FR 76184, Dec. 20, 2004; 78 FR 1095, Jan. 7, 2013]

SEGREGATION

§ 176.140 Segregation from other classes of hazardous materials.

(a) Class 1 (explosive) materials must be segregated from other packaged hazardous materials in accordance with § 176.83.

(b) Class 1 (explosive) materials must be segregated from bulk solid dangerous cargoes in accordance with the IMDG Code (IBR, see § 171.7 of this subchapter). Notwithstanding § 176.83(b), ammonium nitrate and sodium nitrate may be stowed together with blasting explosives, except those containing chlorates, provided the mixed stowage is treated as blasting explosives (see § 176.410(e)).

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 68 FR 45041, July 31, 2003; 68 FR 75748, Dec. 31, 2003]

§ 176.142 Reserved]

§ 176.144 Segregation of Class 1 (explosive) materials.

(a) Except as provided in § 176.145 of this subchapter, stowage of Class 1 (explosive) materials within the same compartment, magazine, or cargo transport unit is subject to provisions contained in table 176.144(a).

TABLE 176.144(a)—AUTHORIZED MIXED STOWAGE FOR EXPLOSIVES

[An “X” indicates that explosives in the two different compatibility groups reflected by the location of the “X” may not be stowed in the same compartment, magazine, or cargo transport unit]

Compatibility groups	A	B	C	D	E	F	G	H	J	K	L	N	S
A		X	X	X	X	X	X	X	X	X	X	X	X
B	X		X	X	X	X	X	X	X	X	X	X	X
C	X	X		6	6	X	1	X	X	X	X	X	4
D	X	X	6		6	X	1	X	X	X	X	X	4
E	X	X	6	6		X	1	X	X	X	X	X	4
F	X	X	X	X	X		X	X	X	X	X	X	X
G	X	X	1	1	1	X		X	X	X	X	X	X
H	X	X	X	X	X	X	X		X	X	X	X	X
J	X	X	X	X	X	X	X	X		X	X	X	X
K	X	X	X	X	X	X	X	X	X		X	X	X
L	X	X	X	X	X	X	X	X	X	X	2	X	X
N	X	X	4	4	4	X	X	X	X	X	X	3	5
S	X										X	5	

- NOTES: 1. Explosive articles in compatibility group G, other than fireworks, may be stowed with articles of compatibility groups C, D, and E, provided no explosive substances are carried in the same compartment, magazine or cargo transport unit.
 2. Explosives in compatibility group L may only be stowed in the same compartment, magazine or cargo transport unit with identical explosives within compatibility group L.
 3. Different types of articles of Division 1.6, compatibility group N, may only be transported together when it is proven that there is no additional risk of sympathetic detonation between the articles. Otherwise they must be treated as division 1.1.
 4. When articles of compatibility group N are transported with articles or substances of compatibility groups C, D or E, the goods of compatibility group N must be treated as compatibility group D.
 5. When articles of compatibility group N are transported together with articles or substances of compatibility group S, the entire load must be treated as compatibility group N.
 6. Any combination of articles in compatibility groups C, D and E must be treated as compatibility group E. Any combination of substances in compatibility groups C and D must be treated as the most appropriate compatibility group shown in Table 2 of § 173.52 taking into account the predominant characteristics of the combined load. This overall classification code must be displayed on any label or placard on a unit load or cargo transport unit as prescribed in subpart E (Labeling) and subpart F (Placarding).

(b) Where Class 1 (explosive) materials of different compatibility groups are allowed to be stowed in the same compartment, magazine, or cargo transport unit, the stowage arrangements must conform to the most stringent requirements for the entire load.

(c) Where a mixed load of Class 1 (explosive) materials of different hazard divisions and/or stowage arrangements is carried within a compartment, magazine, or cargo transport unit, the entire load must be treated as belonging to the hazard division having the greatest hazard. (For example, if a load of Division 1.1 (explosive) materials is mixed with Division 1.3 (explosive) materials, the load is treated as a Division 1.1 (explosive) material as defined in §173.50(b) of this subchapter and the stowage must conform to the most stringent requirements for the entire load).

(d) If some of the Class 1 (explosive) materials in a stowage mixture require non-metallic lining of the closed cargo transport unit, Class 1 (explosive) materials requiring ordinary stowage may be stowed in the same closed cargo transport. When a closed cargo transport unit is used for such substances

that require non-metallic lining of the closed cargo transport unit, the other Class 1 (explosive) materials stowed therein must have no exposed parts of any ferrous metal or aluminum alloy, unless separated by a partition.

(e) Segregation on deck: When Class 1 (explosive) materials in different compatibility groups are carried on deck, they must be stored not less than 6 m (20 feet) apart unless they are allowed under Table 176.144(a) to be stowed in the same compartment, magazine, or cargo transport unit.

(f) On a barge used to transfer class 1 (explosive) materials from a waterfront facility to a vessel at an explosives anchorage (or from the vessel to the water front facility), if compliance with paragraph (e) of this section is not practicable, a sandbag barrier at least 0.6 m (2 feet) in thickness may be substituted for the 6 m (20 feet) separation.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, 45385, Aug. 28, 2001; 69 FR 76184, Dec. 20, 2004; 70 FR 56099, Sept. 23, 2005; 78 FR 1095, Jan. 7, 2013]

§ 176.145 Segregation in single hold vessels.

(a) On board a vessel having a single cargo hold, Class 1 (explosive) materials in hazard division/compatibility group 1.1B and 1.2B may be stowed in the same compartment with substances of compatibility group D, provided:

(1) The net explosive weight of the compatibility group B explosive does not exceed 50 kg (110 pounds); and

(2) The compatibility group B explosive materials are stowed in a steel portable magazine that is stowed at least 6 m (20 feet) from the compatibility group D substances.

(b) Division/compatibility group 1.4B (explosive) materials may be stowed in the same compartment with substances of compatibility group D provided the Class 1 (explosive) materials of different compatibility groups are separated by either a distance of at least 6 m (20 feet) or by a steel partition.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.146 Segregation from non-hazardous materials.

(a) Except as required by paragraph (b) of this section, Class 1 (explosive) materials need not be segregated from other cargo of a non-dangerous nature.

(b) Readily combustible materials may not be stowed in the same compartment or hold as Class 1 (explosive) materials other than those in compatibility group S.

(c) [Reserved]

(d) In order to avoid contamination:

(1) An explosive substance or article which has a secondary POISON hazard label must be stowed "separated from" all foodstuffs, except when such materials are stowed in separate closed cargo transport units, the requirements for "away from" segregation apply.

(2) An explosive substance or article which has a secondary CORROSIVE hazard label must be stowed "away from" foodstuffs.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; 69 FR 76185, Dec. 20, 2004; 78 FR 1095, Jan. 7, 2013]

PRECAUTIONS DURING LOADING AND UNLOADING

§ 176.148 Artificial lighting.

Electric lights, except arc lights, are the only form of artificial lighting permitted when loading and unloading Class 1 (explosive) materials.

§ 176.150 Radio and radar.

(a) Except as provided in paragraph (b) of this section, when Class 1 (explosive) materials (other than explosive articles in Division 1.4 [explosive] or any explosive substance) are loaded, unloaded, or handled, the responsible person must ensure that all sources of electromagnetic radiation such as radio and radar transmitters are deenergized by opening the main switches controlling the sources and tagging them to warn that the devices are not to be energized until loading or unloading has ceased.

(b) During the loading or unloading of all explosive articles (except those in Division 1.4 [explosive]), no radio or radar transmitter may be used within 50 m (164 feet) of such articles except for VHF transmitters the power output of which does not exceed 25 watts and of which no part of the antenna system is within 2 m (7 feet) of the Class 1 (explosive) materials.

(c) Explosive articles which are sensitive to electromagnetic radiation from external sources must be stowed at a safe distance from the vessel's radio cabin, receiving and transmitting apparatus radio antenna or lead-in, and radar installation, with due regard to the character of the vessel and the degree of screening-off of the explosive articles.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

§ 176.154 Fueling (bunkering).

(a) Class 1 (explosive) materials, except those in compatibility group S, may not be loaded or unloaded when fueling (bunkering) is in progress except with the prior authorization of the COTP, and under conditions prescribed by that officer.

(b) Vessels containing Class 1 (explosive) materials may not be fueled (bunkered) with the hatches open unless authorized by the COTP.

§ 176.156 Defective packages.

(a) No leaking, broken, or otherwise defective package containing Class 1 (explosive) materials, including packages which have been adversely affected by moisture, may be accepted for shipment. The master or person in charge of a vessel on which there is a defective package containing Class 1 (explosive) materials must seek advice from the shipper concerning withdrawal, repair, or replacement. No repair of damaged or defective package containing Class 1 (explosive) materials may be performed on board a vessel.

(b) No Class 1 (explosive) material, which for any reason has deteriorated or undergone a change of condition that increases the hazard attendant upon its conveyance or handling, may be moved in the port area, except as directed by the COTP.

(c) If any package of Class 1 (explosive) materials, or seal of a package of Class 1 (explosive) materials, appears to be damaged, that package must be set aside for examination and repair or otherwise legally disposed of as directed by the shipper.

(d) If any Class 1 (explosive) materials are spilled or released from a package, the responsible person must ensure that an appropriate emergency response is undertaken in accordance with the emergency response information required under § 172.602 of this subchapter. The master of the vessel must report each incident involving spillage or release of Class 1 (explosive) materials to the COTP as soon as practicable.

[Amdt. 176–30, 55 FR 52696, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991]

§ 176.160 Protection against weather.

Any person loading or unloading packages containing Class 1 (explosive) materials shall take adequate measures to prevent these packages from becoming wet.

§ 176.162 Security.

A responsible person must be present at all times when the hatches of spaces containing Class 1 (explosive) materials are open. No unauthorized person may be permitted to access spaces in

which Class 1 (explosive) materials are stowed. Magazines must be secured against unauthorized entry when loading has been completed, or when loading or unloading is stopped. Packages containing Class 1 (explosive) materials may not be opened on board ship.

§ 176.164 Fire precautions and fire-fighting.

(a) Matches, lighters, fire, and other ignition sources are prohibited on and near any vessel on which Class 1 (explosive) materials are being loaded, unloaded, or handled except in places designated by the master or the COTP.

(b) A fire hose of sufficient length to reach every part of the loading area with an effective stream of water must be laid and connected to the water main, ready for immediate use.

(c) No repair work may be carried out in a cargo space containing Class 1 (explosive) materials other than those of Division 1.4 (explosive). No welding, burning, cutting, or riveting operations involving the use of fire, flame, spark, or arc-producing equipment may be conducted on board except in an emergency; and, if in port, with the consent of the COTP.

(d) Each compartment, including a closed vehicle deck space, which contains Class 1 (explosive) materials must be provided with a fixed fire extinguishing system. Each adjacent cargo compartment either must be protected by a fixed fire extinguishing installation or must be accessible for firefighting operations.

(e) A vessel must have two sets of breathing apparatus and a power-operated fire pump, which, together with its source of power and sea connections, must be located outside the machinery space.

[Amdt. 176–30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

PASSENGER VESSELS

§ 176.166 Transport of Class 1 (explosive) materials on passenger vessels.

(a) Only the following Class 1 (explosive) materials may be transported as cargo on passenger vessels:

(1) Division 1.4 (explosive) materials, compatibility group S.

(2) Explosive articles designed for lifesaving purposes as identified in §176.142(b)(2), if the total net explosive mass (weight) does not exceed 50 kg (110 pounds).

(3) Class 1 (explosive) materials in compatibility groups C, D, and E, if the total net explosive mass (weight) does not exceed 10 kg (22 pounds) per vessel.

(4) Articles in compatibility group G other than those requiring special

stowage, if the total net explosive mass (weight) does not exceed 10 kg (22 pounds) per vessel.

(5) Articles in compatibility group B, if the total net explosive mass (weight) does not exceed 5 kg (11 pounds).

(b) Class 1 (explosive) materials which may be carried on passenger vessels are identified in column (10) of the §172.101 table. They must be stowed in accordance with table 176.166(b).

TABLE 176.166(b)—STOWAGE ARRANGEMENTS IN PASSENGER VESSELS

Class/Division	Samples, explosive	Goods, N.O.S. Class 1	Goods shipped under a specific proper shipping name													
			Compatibility group													
			A	B	C	D	E	F	G	H	J	K	L	N	S	
1.1	d	d	c..	e	e	e	e	e	c..	e	—	c..	—	c..	—	—
1.2	d	d	—	e	e	e	e	c..	e	c..	c..	c..	c..	—	—	—
1.3	d	d	—	—	e	e	—	c..	e	c..	c..	c..	c..	—	—	—
1.4	d	d	—	b	b	b	b	c..	b	—	—	—	—	—	—	a
1.5	d	d	—	—	—	e	—	—	—	—	—	—	—	—	—	—
1.6	d	d	—	—	—	—	—	—	—	—	—	—	—	e	—	—

a—As for cargo ships, on deck or under deck.
 b—As for cargo ships, on deck or under deck, in portable magazines only.
 c—Prohibited.
 d—As specified by the Associate Administrator, or the competent authority of the country in which the Class 1 (explosive) materials are loaded on the vessel.
 e—In containers or the like, on deck only.

(c) Notwithstanding the provisions of paragraph (a) of this section, a combination of the substances and articles listed in paragraphs (a)(1) through (a)(5) of this section may be transported on the same passenger vessel provided the total net explosive mass (weight) of the combination of Class 1 (explosive) materials carried does not exceed the smallest quantity specified for any one of the substances or articles in the combination.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 65 FR 58630, Sept. 29, 2000; 66 FR 45384, 45385, Aug. 28, 2001].

CARGO TRANSPORT UNITS AND SHIPBORNE BARGES

§ 176.168 Transport of Class 1 (explosive) materials in vehicle spaces.

(a) All transport vehicles and cargo must be properly secured.

(b) All transport vehicles used for the carriage of Class 1 (explosive) materials must be structurally serviceable as defined in §176.172(a)(2).

(c) Vehicles used to transport Class 1 (explosive) materials must conform to

the requirements in §§177.834 and 177.835 of this subchapter.

(d) Class 1 (explosive) materials which require special stowage must be transported in transport vehicles approved for the purpose by the Associate Administrator except that Class 1 (explosive) materials in compatibility group G or H may be carried in steel portable magazines or freight containers. Closed transport vehicles may be used as magazines; transport vehicles of other types may be used to transport Class 1 (explosive) materials which require ordinary stowage.

(e) Class 1 (explosive) materials of different compatibility groups may not be stowed in the same vehicle except as allowed in §176.144 of this subpart.

(f) Vehicles containing different Class 1 (explosive) materials require no segregation from each other, except that these materials may be carried together under the provisions of §176.144 of this subchapter. In all other instances, the vehicles must be “separated from” one another.

(g) All transport vehicles used for the transport of Class 1 (explosive) materials must have lashing arrangements

§ 176.170

for securing the vehicle on the ship and preventing the moving of the vehicle on its springs during the sea passage.

(h) Where a portable magazine or closed freight container is carried on a chassis, twist locks or other suitable securing arrangements must be provided and made secure.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001; 68 FR 61942, Oct. 30, 2003]

§ 176.170 Transport of Class 1 (explosive) materials in freight containers.

(a) When Class 1 (explosive) materials are stowed in a freight container, the freight container, for the purposes of this subpart, may be regarded as a closed transport unit for class 1 or a magazine but not a separate compartment.

(b) Freight containers loaded with Class 1 (explosive) materials, except for explosives in Division 1.4, must not be stowed in the outermost row of containers.

(c) [Reserved]

(d) Class 1 (explosive) materials of different compatibility groups may not be stowed within the same freight container except as allowed in §176.144 of this subpart.

(e) On vessels, other than specially fitted container ships, freight containers containing Class 1 (explosive) materials must be stowed only in the lowest tier.

(f) Freight containers carrying different Class 1 (explosive) materials require no segregation from each other, if the provisions of §176.144 of this subpart allow the Class 1 (explosive) materials to be carried together in the same compartment. In all other instances, the containers must be "separated from" one another in accordance with §176.83(f) of this part.

(g) Freight containers carrying Class 1 (explosive) materials may not be handled on board a vessel with fork lift trucks unless approved by the COTP. This does not preclude the use of front-loading trucks using side-frame lifting equipment.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; 68 FR 45041, July 31, 2003; 69 FR 76185, Dec. 20, 2004; 78 FR 1095, Jan. 7, 2013]

49 CFR Ch. I (10-1-17 Edition)

§ 176.172 Structural serviceability of freight containers and vehicles carrying Class 1 (explosive) materials on ships.

(a) Except for Division 1.4 materials, a freight container may not be offered for the carriage of Class 1 (explosive) materials, unless the container is structurally serviceable as evidenced by a current CSC (International Convention for Safe Containers) approval plate and verified by a detailed visual examination as follows:

(1) Before a freight container or transport vehicle is packed with Class 1 (explosive) materials, it must be visually examined by the shipper to ensure it is structurally serviceable, free of any residue of previous cargo, and its interior walls and floors are free from protrusions.

(2) *Structurally serviceable* means the freight container or the vehicle cannot have major defects in its structural components, such as top and bottom side rails, top and bottom end rails, door sill and header, floor cross members, corner posts, and corner fittings in a freight container. Major defects include—

(i) Dents or bends in the structural members greater than 19 mm (0.75 inch) in depth, regardless of length;

(ii) Cracks or breaks in structural members;

(iii) More than one splice or an improper splice (such as a lapped splice) in top or bottom end rails or door headers;

(iv) More than two splices in any one top or bottom side rail;

(v) Any splice in a door sill or corner post;

(vi) Door hinges and hardware that are seized, twisted, broken, missing, or otherwise inoperative;

(vii) Gaskets and seals that do not seal; or

(viii) For freight containers, any distortion of the overall configuration great enough to prevent proper alignment of handling equipment, mounting and securing chassis or vehicle, or insertion into ships' cells.

(3) In addition, deterioration of any component of the freight container or vehicle, regardless of the material of construction, such as rusted-out metal in sidewalls or disintegrated fiberglass,

is prohibited. Normal wear, however, including oxidation (rust), slight dents and scratches, and other damage that does not affect serviceability or the weather-tight integrity of the units, is not prohibited.

(b) As used in paragraph (a) of this section, *splice* means any repair of a freight container main structural member which replaces material, except complete replacement of the member.

(c) All shipments of Class 1 (explosive) materials except those in Division 1.4 (explosive) must be accompanied by a statement, which may appear on the shipping paper, certifying that the freight container or the vehicle is structurally serviceable as defined in paragraph (a)(2) of this section.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001; 74 FR 2268, Jan. 14, 2009]

§ 176.174 Transport of Class 1 (explosive) materials in shipborne barges.

(a) Fixed magazines may be built within a shipboard barge. Freight containers may be used as magazines within a barge.

(b) Shipborne barges may be used for the carriage of all types of Class 1 (explosive) materials. When carrying Class 1 (explosive) materials requiring special stowage, the following requirements apply:

(1) Class 1 (explosive) materials in compatibility group G or H must be stowed in freight containers.

(2) Class 1 (explosive) materials in compatibility group K or L must be stowed in steel magazines.

(c) Class 1 (explosive) materials of different compatibility groups may not be stowed within the same shipborne barge unless under §176.144(b) of this subpart they are authorized to be stowed in the same compartment.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 69 FR 76185, Dec. 20, 2004]

HANDLING CLASS 1 (EXPLOSIVE)
MATERIALS IN PORT

§ 176.176 Signals.

When Class 1 (explosive) materials are being loaded, handled, or unloaded on a vessel, the vessel must exhibit the following signals:

(a) By day, flag “B” (Bravo) of the international code of signals; and

(b) By night, an all-round fixed red light.

§ 176.178 Mooring lines.

(a) All lines used in mooring the vessel must be of sufficient strength, type, and number for the size of the vessel and local conditions.

(b) While the vessel is moored or anchored in a port area, towing wires of adequate size and length must be properly secured to mooring bits at the bow and stern ready for immediate use with the towing eyes passed outboard and kept at about water level.

(c) The mooring arrangements must be such that the vessel can be released quickly in an emergency.

§ 176.180 Watchkeeping.

Whenever Class 1 (explosive) materials are on board a vessel in port, there must be sufficient crew on board to maintain a proper watch and to operate the propulsion and firefighting equipment in case of an emergency.

§ 176.182 Conditions for handling on board ship.

(a) *Weather conditions.* Class 1 (explosive) materials may not be handled in weather conditions which may seriously increase the hazards presented by the Class 1 (explosive) materials. During electrical storms, cargo operations must be halted and all hatches containing Class 1 (explosive) materials must be closed.

(b) *Darkness.* Class 1 (explosive) materials may not be handled on board a vessel during the hours of darkness unless prior consent has been obtained from the COTP.

(c) *Lighting.* The area where Class 1 (explosive) materials are handled, or where preparations are being made to handle Class 1 (explosive) materials, must be illuminated with lighting that is sufficient to safely perform the handling operation.

(d) *Protective equipment.* (1) A sufficient quantity of appropriate protective equipment must be provided for the personnel involved in handling Class 1 (explosive) materials.

(2) The protective equipment must provide adequate protection against

§ 176.184

the hazards specific to the Class 1 (explosive) materials handled.

(e) *Intoxicated persons.* No person under the influence of alcohol or drugs to such an extent that the person's judgment or behavior is impaired may participate in any operation involving the handling of Class 1 (explosive) materials. The master of the vessel must keep any such person clear of any areas where Class 1 (explosive) materials are being handled.

(f) *Smoking.* (1) Smoking is prohibited on the vessel while Class 1 (explosive) materials are being handled or stowed except in places designated by the master of the vessel.

(2) Conspicuous notices prohibiting smoking must be posted and clearly visible at all locations where Class 1 (explosive) materials are handled or stored.

(g) All hatches and cargo ports opening into a compartment in which Class 1 (explosive) materials are stowed must be kept closed except during loading and unloading of the compartment. After loading, hatches must be securely closed.

§ 176.184 Class 1 (explosive) materials of Compatibility Group L.

Class 1 (explosive) materials in compatibility group L may not be handled in a port area without the special permission of, and subject to any special precautions required by, the COTP.

§ 176.190 Departure of vessel.

When loading of Class 1 (explosive) materials is completed, the vessel must depart from the port area as soon as is reasonably practicable.

§ 176.192 Cargo handling equipment for freight containers carrying Class 1 (explosive) materials.

(a) Except in an emergency, only cargo handling equipment that has been specifically designed or modified for the handling of freight containers may be used to load, unload, or handle freight containers containing Division 1.1 or 1.2 (explosive) materials.

(b) The gross weight of a freight container containing Class 1 (explosive) materials may not exceed the safe

49 CFR Ch. I (10-1-17 Edition)

working load of the cargo handling equipment by which it is handled.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001]

MAGAZINE VESSELS

§ 176.194 Stowage of Class 1 (explosive) materials on magazine vessels.

(a) *General.* The requirements of this section are applicable to magazine vessels and are in addition to any other requirements in this subchapter.

(b) *Type vessel authorized.* A single deck vessel with or without a house on deck is the only type vessel that may be used as a magazine vessel. A magazine vessel may not be moved while Class 1 (explosive) materials are on board.

(c) *Location of explosives.* Division 1.1, 1.2, or 1.3 (explosive) materials, in excess of 2268 kg (5000 pounds), stored in any magazine vessel must be stowed below deck. No Class 1 (explosive) materials may be stowed on deck unless the vessel is fitted with a deck house having a stowage area which meets the requirements in this subpart for the stowage of Class 1 (explosive) materials. Detonators, detonator assemblies and boosters with detonators, Division 1.1 (explosive) may not be stored on the same magazine vessel with other Division 1.1, 1.2, and 1.3 (explosive) materials.

(d) *Class 1 (explosive) materials storage spaces.* Any compartment on a magazine vessel used for the stowage of Class 1 (explosive) materials must be completely sealed with wood so as to provide a smooth interior surface. Each metal stanchion in the compartment must be boxed in the same manner. An overhead ceiling is not required when the overdeck is weather tight. All nail and bolt heads must be countersunk and any exposed metal must be covered with wood.

(e) *Initiating explosives, detonators and boosters with detonators.* No explosive substance in Division 1.1, compatibility group A may be stowed in the same compartment with any other Class 1 (explosive) materials when there are explosive substances in Division 1.1 or 1.2 (explosive) on the same magazine vessel. Detonators, detonator assemblies and boosters with detonators

must be stowed at least 8 m (26 feet) from any bulkhead forming a boundary of a compartment containing any other Class 1 (explosive) materials.

(f) *Dry storage spaces.* A magazine vessel having a dry storage space capable of being used for any purpose whatsoever must have a cofferdam at least 61 cm (24 inches) wide fitted between the dry storage space and each adjacent compartment containing Class 1 (explosive) materials. The cofferdam must be constructed of wood or steel, formed by two tight athwartship bulkheads extending from the skin of the vessel to the overdeck. If the cofferdam extends to the weather deck, a watertight hatch must be fitted in the deck to provide access to the cofferdam.

(g) *Lighting.* Non-sparking, battery-powered, self-contained electric lanterns or non-sparking hand flashlights are the only means of artificial light authorized.

(h) *Living quarters.* Living quarters must be fitted on the inside with a non-combustible material approved by the Commandant, USCG. Bracketed ship's lamps are the only lighting fixtures authorized to be used in the living quarters. Any stove used for heating or cooking must be securely fastened and may not be mounted closer than 15 cm (5.9 inches) to the deck or sides of the house. Any smoke pipe for the stove which passes through the roof of the house must be kept at least 8 cm (3 inches) away from any woodwork. Each smoke pipe must be protected by a layer of non-combustible material approved by the Commandant, USCG, an air space of at least 2.54 cm (1 inch), and a metal collar of at least 1.5 mm (0.059 inch) sheet secured only on the weather side of the roof. There may be no opening from any living quarters into any stowage compartment.

(i) *Storage of other hazardous materials.* Magazine vessels having Class 1 (explosive) materials on board may not be used for the storage of any other hazardous material.

(j) *Magazine vessel's stores.* Hazardous materials used as stores on board any magazine vessel must comply with the requirements of 46 CFR part 147.

(k) *Matches.* Safety matches requiring a prepared surface for ignition are the only type of matches authorized to

be possessed or used on board a magazine vessel. They must be kept in a metal box or can with a metal cover and stored in the custodian's living quarters.

(l) *Firearms.* Firearms and ammunition (other than cargo) are not permitted on board a magazine vessel.

(m) *Fire extinguishing equipment.* No Class 1 (explosive) materials may be loaded or stowed in, unloaded from, or handled on any magazine vessel unless four fire extinguishers that meet the requirements for Type A Size II or Type B Size III in 46 CFR part 95, subpart 95.50 are near and accessible to the magazines.

(n) *Supervision.* A magazine vessel containing Class 1 (explosive) materials must be continuously attended by a custodian employed for that purpose by the vessel's owner.

(o) *Unauthorized persons on magazine vessels.* The custodian of a magazine vessel shall prevent unauthorized persons from coming on board unless it is necessary to abate a hazard to human life or a substantial hazard to property.

(p) *Repacking of Class 1 (explosive) materials on board.* No Class 1 (explosive) materials may be repacked on board a magazine vessel. Broken or damaged packages must be handled in accordance with the requirements of §176.156. Packages requiring an emergency response must be handled in accordance with the emergency response information required under §172.602 of this subchapter.

(q) *Work boat.* Each magazine vessel must be equipped with a work boat.

(r) *Life preservers.* One approved personal flotation device must be available for each person employed on a magazine vessel.

(s) *Fenders.* Each magazine vessel must be fitted with fenders in sufficient number and size to prevent any vessel tying up alongside from coming in contact with the hull.

[Amdt. 176-30, 55 FR 52696, Dec. 21, 1990, as amended by Amdt. 176-41, 61 FR 51339, Oct. 1, 1996; 66 FR 45185, 45384, 45385, Aug. 28, 2001]

§ 176.200

**Subpart H—Detailed Requirements
for Class 2 (Compressed Gas)
Materials**

SOURCE: Amdt. 176-30, 55 FR 52704, Dec. 21, 1990, unless otherwise noted.

§ 176.200 General stowage requirements.

(a) Each package of Class 2 (compressed gas) material being transported by vessel must be prevented from making direct contact with the vessel's deck, side, or bulwark by dunnage, shoring, or other effective means.

(b) When cylinders of Class 2 (compressed gas) materials being transported by vessel are stowed in a horizontal position, each tier must be stowed in the cantlines of the tier below it, and the valves on cylinders in adjacent tiers must be at alternate ends of the stow. Each tier may be stepped back and the ends alternated in order to clear the flange. Lashing must be provided to prevent any shifting.

(c) When cylinders of Class 2 (compressed gas) materials being transported by vessel are stowed in a vertical position they must be stowed in a block and cribbed or boxed-in with suitable sound lumber and the box or crib dunnaged to provide clearance from a steel deck at least 10 cm (3.9 inches) off any metal deck. Pressure receptacles in the box or crib must be braced to prevent any shifting of the pressure receptacles. The box or crib (gas rack) must be securely chocked and lashed to prevent movement in any direction.

(d) Any package containing Division 2.3 (poison gas) materials must be stowed separate from all foodstuffs.

(e) Class 2 (compressed gas) materials may not be stowed "on deck" over a hold or compartment containing coal.

(f) Class 2 (compressed gas) material must be kept as cool as practicable and be stowed away from all sources of heat and ignition. Any package containing a Division 2.1 (flammable gas) material is restricted from transport in powered refrigerated temperature controlled containers, unless the equipment is capable of preventing ignition of flammable vapors by having non-

49 CFR Ch. I (10-1-17 Edition)

sparking or explosion-proof electric fittings within the cooling compartment.

[Amdt. 176-30, 55 FR 52704, Dec. 21, 1990, as amended at 68 FR 61942, Oct. 30, 2003; 74 FR 16143, Apr. 9, 2009; 78 FR 1095, Jan. 7, 2013]

§ 176.205 Under deck stowage requirements.

(a) When a Class 2 (compressed gas) material is stowed below deck, it must be stowed in a mechanically ventilated cargo space with no source of artificial heat and clear of living quarters. No bulkhead or deck of that hold or compartment may be a common boundary with any boiler room, engine room, coal bunker, galley or boiler room uptake.

(b) When Division 2.1 (flammable gas) materials are stowed below deck, they must be stowed in a hold or compartment which complies with paragraph (a) of this section and the following requirements:

(1) Each hold or compartment must be ventilated.

(2) Each hold or compartment must be equipped with an overhead water sprinkler system or fixed fire extinguishing system.

(3) Each electrical power line in the hold or compartment must be protected by a strong metal covering to prevent crushing by cargo being stowed against it.

(4) Except when fitted with electrical fixtures of the explosion-proof type, each electrical circuit serving the hold or compartment must be disconnected from all sources of power. No circuit may be energized until the Division 2.1 (flammable gas) cargo and any vapors have been removed from the hold or compartment. Explosion-proof portable lighting may be used if the source of power is from electrical outlets outside the hold or compartment and above the weather deck.

(5) Any opening in a common bulkhead of an adjacent hold or compartment must be securely closed off and made gas-tight, unless the adjacent hold or compartment is also used for the stowage of Division 2.1 (flammable gas) materials.

(6) Full and efficient hatch covers must be used. Tarpaulins, if fitted, must be protected by dunnaging before

overstowing with any cargo. Each tarpaulin must be in one piece and free of rents, tears, and holes.

(7) A fire screen must be fitted at the weather end of each vent duct leading from the hold or compartment. The fire screen must completely cover the open area. It must consist of two layers of corrosion-resistant metal wire of 20 × 20 mesh or finer, spaced not less than 1 cm (0.4 inch) or more than 4 cm (1.6 inches) apart. The screen may be removable if means for securing it in place when in service are provided.

(8) The hold or compartment may not be fitted with any gooseneck type vent trunk head.

(9) Any electrical apparatus located in the hold or compartment must be capable of being disconnected from its power source by a positive means located outside the hold or compartment.

[Amdt. 176-30, 55 FR 52704, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991]

§ 176.210 On deck stowage requirements.

Cylinders of Class 2 (compressed gas) materials being transported by vessel must be protected from sources of heat. A tarpaulin covering the cylinders is not acceptable if it comes in contact with them.

[78 FR 1095, Jan. 7, 2013]

§ 176.220 Smoking or open flame and posting of warning signs.

(a) Smoking or the use of open flame is prohibited in any hold or compartment containing a Division 2.1 (flammable gas) material, near any Division 2.1 (flammable gas) material stowed on deck, or near any ventilator leading to a hold containing this material.

(b) A sign carrying the legend:

FLAMMABLE VAPORS
KEEP LIGHTS AND FIRE AWAY
NO SMOKING

must be conspicuously posted at each approach to an “on deck” Division 2.1 (flammable gas) material stowage area and near each cargo hold ventilator leading to a hold containing this material. The sign must be painted on a white background using red letters. The letters may not be less than 8 cm (3 inches) high.

§ 176.225 Stowage of chlorine.

Chlorine (UN 1017) must be stowed separate from copper or brass leaf sheets and from finely divided organic material.

§ 176.230 Stowage of Division 2.1 (flammable gas) materials.

Division 2.1 (flammable gas) materials transported in Specification 106A or 110A multi-unit car tanks must be stowed on deck only, and must be protected from sources of heat.

[78 FR 1095, Jan. 7, 2013]

Subpart I—Detailed Requirements for Class 3 (Flammable) and Combustible Liquid Materials

SOURCE: Amdt. 176-30, 55 FR 52705, Dec. 21, 1990, unless otherwise noted.

§ 176.305 General stowage requirements.

(a) A Class 3 (flammable) or combustible liquid must be kept as cool as reasonably practicable, protected from sources of heat, and away from potential sources of ignition.

(b) Except as otherwise provided in § 176.76(g), a package containing a Class 3 (flammable) liquid and equipped with a vent or safety relief device must be stowed “on deck” only.

(c) The following requirements apply to each hold or compartment in which any Class 3 (flammable) or combustible liquids are being transported:

(1) The hold or compartment must be ventilated except that the stowage of non-bulk packages of Class 3 (flammable) liquids with a flash point above 23 °C (73 °F) (see 49 CFR 171.8 definitions) may be in non-ventilated holds.

(2) Stowage of a Class 3 (flammable) or combustible liquid within 6 m (20 feet) of a bulkhead which forms a boundary or deck of a boiler room, engine room, coal bunker, galley, or boiler room uptake is not permitted. If the amount of the liquid to be stowed in a hold will not permit compliance with the requirement for a 6 m (20 foot) separation, less separation distance is authorized if at least one of the following conditions exists:

§ 176.305

49 CFR Ch. I (10–1–17 Edition)

(i) The bulkhead or deck is covered with at least 8 cm (3 inches) of insulation on the entire area subject to heat;

(ii) A temporary wooden bulkhead at least 5 cm (2 inches) thick is constructed in the hold at least 8 cm (3 inches) off an engine room or 15 cm (5.9 inches) off a boiler room bulkhead, covering the entire area of the bulkhead that is subject to heat, and the space between the permanent bulkhead and the temporary wooden bulkhead is filled with mineral wool or equivalent bulk noncombustible insulating material; or

(iii) A temporary wooden bulkhead is constructed of at least 2.5 cm (1 inch) thick tongue and groove sheathing, located 1 m (3 feet) from the boiler room or engine room bulkhead, and filled with sand to a height of 2 m (7 feet) above the tank top, or, if the cargo compartment is located between decks, 1 m (3 feet) of sand.

(3) Combustible liquids may not be stowed in a hold within 6 m (20 feet) of a common bulkhead with the engine room unless the means of vessel propulsion is internal combustion engines.

(4) Each cargo opening in a bulkhead of an adjacent hold must be securely closed off and made gas-tight, unless the adjacent hold is also used for the stowage of a Class 3 (flammable) or combustible liquid.

(d) In addition to the requirements specified in paragraph (b) of this section, the following requirements apply to each hold or compartment in which a Class 3 (flammable) liquid is transported:

(1) Full and effective hatch covers must be used. Tarpaulins, if fitted, must be protected by dunnaging before overstowing with any cargo. Each tarpaulin must be in one piece and free of rents, tears, and holes;

(2) If Class 3 (flammable) liquids in excess of 1016 kg (2240 pounds) are stowed under deck in any one hold or compartment, a fire screen must be fitted at the weather end of each vent duct leading from that hold or compartment. The fire screen must completely cover the open area. It must consist of two layers of corrosion-resistant metal wire of 20 × 20 mesh or finer, spaced not less than 1 cm (0.4 inch) or more than 4 cm (1.6 inches)

apart. The screen may be removable only if means for securing it in place when in service are provided;

(3) Each electrical power line in the hold or compartment must be protected by a strong metal covering to prevent crushing by cargo being stowed against it;

(4) Except when fitted with explosion-proof type electrical fixtures, each electrical circuit serving the hold or compartment must be disconnected from all sources of power from a point outside the hold or compartment containing flammable liquids. No circuit may be energized until the flammable liquids and any vapors have been removed from the hold or compartment. Explosion-proof type portable lighting may be used if the source of power is from electrical outlets outside the hold or compartment and above the weather deck; and

(5) A Class 3 (flammable) liquid in excess of 1016 kg (2240 pounds) may not be transported in any hold or compartment that is fitted with a gooseneck type of vent head.

(e) On a passenger vessel, each hold or compartment used to transport a Class 3 (flammable) liquid must be equipped with an overhead water sprinkler system or fixed fire-extinguishing system.

(f) On a passenger vessel, each hold or compartment used to transport Class 3 (flammable) liquids under a passenger space must have an overdeck of an A-60 type construction (see 46 CFR 72.05-10(c)(1)) or equivalent or have its underside covered with at least 8 cm (3 inches) of noncombustible insulation.

(g) No Class 3 (flammable) liquid in a drum or wooden case, having inside packagings of more than 1 L (0.3 gallon) capacity each, may be stowed as a beam filler. A wooden barrel, a wooden box or a fiberboard box, with any Class 3 (flammable) liquid material in inside packagings of not more than 1 L (0.3 gallon) capacity each, may only be stowed as a beam filler if it is possible to stow and observe any "THIS SIDE UP" marking.

[Amdt. 176-30, 55 FR 52705, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; 78 FR 1096, Jan. 7, 2013]

§ 176.315 Fire protection requirements.

(a) For each 79,500 L (21,000 U.S. gallons) or part thereof of any Class 3 (flammable) or combustible liquid being transported on board a vessel in a portable tank, rail tank car, or a motor vehicle cargo tank, there must be provided at least one B-V semiportable foam (152 L/40 gallon capacity) (see 46 CFR 95.50), dry chemical (45.4 kg (100 pounds) minimum capacity) or equivalent fire extinguisher, or a fire hose fitted with an approved portable mechanical foam nozzle with pick-up tube and two 19 L (5 gallon) cans of foam liquid concentrate. Each foam system must be suitable for use with each Class 3 (flammable) or combustible liquid for which it is required. Each fire extinguisher must be accessible to the tank it is intended to cover.

(b) The fire hose at each fire hydrant in the vicinity of Class 3 (flammable) and combustible liquids stowage areas must be fitted with an approved combination solid stream and water spray nozzle.

(c) The pressure must be maintained in the vessel's fire mains during the loading and unloading of any Class 3 (flammable) or combustible liquids.

(d) Two 7 kg (15-pound) capacity hand portable dry chemical or two portable 10 L (2.6 gallons) foam-type extinguishers must be accessible to any packaged Class 3 (flammable) or combustible liquid and suitable for use with the lading.

(e) The requirements of this section do not apply to portable tanks and their contents authorized under 46 CFR part 98 or 46 CFR part 64.

[Amdt. 176-30, 55 FR 52705, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; 66 FR 45384, 45385, Aug. 28, 2001]

§ 176.320 Use of hand flashlights.

Each hand flashlight used on deck near or in any hold or compartment containing a Class 3 (flammable) liquid, must be suitable for use in hazardous locations where fire or explosion hazards may exist.

§ 176.325 Smoking or open flame and posting of warning signs.

(a) Smoking or the use of open flame is prohibited in any hold or compartment containing a Class 3 (flammable) or combustible liquid, near any Class 3 (flammable) or combustible liquid stowed on deck, or near any ventilator leading to a hold containing such material.

(b) A sign carrying the legend:

FLAMMABLE VAPORS
KEEP LIGHTS AND FIRE AWAY
NO SMOKING

must be conspicuously posted at each approach to a Class 3 (flammable) or combustible liquid stowed "on deck" and near each cargo hold ventilator leading to a hold or compartment containing this material. This sign must be painted on a white background using red letters. The letters may not be less than 8 cm (3 inches) high.

§ 176.340 Combustible liquids in portable tanks.

Combustible liquids, having a flash point of 38 °C (100 °F) or higher, may be transported by vessel only in one of the portable tanks as specified below:

(a) Specification portable tanks authorized in §173.241 of this subchapter.

(b) In nonspecification portable tanks, subject to the following conditions:

(1) Each portable tank must conform to a DOT specification 57 portable tank, except as otherwise provided in this paragraph;

(2) The rated capacity of the tank may not exceed 4,542 L (1,200 gallons), and the rated gross weight may not exceed 13,608 kg (30,000 pounds);

(3) The vibration test need not be performed;

(4) When the total surface area of the tank exceeds 14.9 square meters (160 square feet), the total emergency venting capacity must be determined in accordance with table I in §178.345-10 of this subchapter;

(5) In place of a specification identification marking, the tank must be marked, on two sides in letters at least 5 cm (2 inches) high on contrasting background: "FOR COMBUSTIBLE LIQUIDS ONLY" and "49 CFR 176.340".

§ 176.400

This latter marking constitutes certification by the person offering the combustible liquid materials for transportation that the portable tank conforms to this paragraph;

- (6) Each tank must be made of steel;
- (7) The design pressure of the tank must be not less than 62 kPa (9 psig);
- (8) No pressure relief device may open at less than 34.4 kPa (5 psig);
- (9) Each tank must be retested and marked at least once every 2 years in accordance with the requirements applicable to a DOT specification 57 portable tank in § 180.605 of this subchapter; and

(10) Each tank must conform to the provisions of § 173.24 of this subchapter and § 180.605(b) and (j) of this subchapter.

(c) Portable tanks approved by the Commandant (G-MSO), USCG.

[Amdt. 176-30, 55 FR 52705, Dec. 21, 1990, as amended by Amdt. 176-41, 61 FR 51339, Oct. 1, 1996; 62 FR 51561, Oct. 1, 1997; 66 FR 45185, 45384, Aug. 28, 2001; 67 FR 61015, Sept. 27, 2002; 68 FR 57633, Oct. 6, 2003]

Subpart J—Detailed Requirements for Class 4 (Flammable Solids), Class 5 (Oxidizers and Organic Peroxides), and Division 1.5 Materials

SOURCE: Amdt. 176-30, 55 FR 52706, Dec. 21, 1990, unless otherwise noted.

§ 176.400 Stowage of Division 1.5, Class 4 (flammable solids) and Class 5 (oxidizers and organic peroxides) materials.

(a) Class 4 (flammable solid) material and Division 5.2 (organic peroxide) material must be kept as cool as reasonably practicable, protected from sources of heat, and away from potential sources of ignition.

(b) Division 5.2 (organic peroxide) material must be stowed away from living quarters or access to them. Division 5.2 (organic peroxide) material not requiring temperature control must be protected from sources of heat, including radiant heat and strong sunlight, and must be stowed in a cool, well-ventilated area.

(c) No Division 1.5 or Class 5 (oxidizers and organic peroxides) material being transported by vessel may be

49 CFR Ch. I (10-1-17 Edition)

stowed in the same hold or compartment with any readily combustible material such as a combustible liquid, a textile product, or with a finely divided substance, such as an organic powder.

(d) No Division 1.5 or Class 5 (oxidizers and organic peroxides) material being transported by vessel may be stowed in a hold or compartment containing sulfur in bulk, or in any hold or compartment above, below, or adjacent to one containing sulfur in bulk.

[Amdt. 176-30, 55 FR 52706, Dec. 21, 1990, as amended at 66 FR 45384, Aug. 28, 2001; 78 FR 1096, Jan. 7, 2013]

§ 176.405 Stowage of charcoal.

(a) Before stowing charcoal Division 4.2 (flammable solid), UN 1361, NA 1361, or UN 1362 on a vessel for transportation, the hold or compartment in which it is to be stowed must be swept as clean as practicable. All residue of any former cargo, including especially a petroleum product, a vegetable or animal oil, nitrate, or sulfur, must be removed.

(b) Charcoal packed in bags and offered for transportation on board a vessel in a quantity over 1016 kg (2240 pounds) must be loaded so that the bags are laid horizontally and stacked with space for efficient air circulation. If the bags are not compactly filled and closed to avoid free space within, vertical and horizontal dunnage strips must be laid between the bags. Space for ventilating must be maintained near bulkheads, the shell of the vessel, the deck, and the overhead. No more than 40,600 kg (89,508 pounds) of charcoal may be stowed in a hold or compartment when other stowage space is available. If the unavailability of hold or compartment space requires the stowage of a larger amount, the arrangement of the stow for ventilation must be adjusted to ensure a sufficient venting effect.

(c) Any loose material from bags broken during loading must be removed. Broken bags may be repacked or have the closures repaired and the repaired bags restowed.

(d) Charcoal “screenings” packed in bags must be stowed to provide spaces for air circulation between tiers regardless of the quantity stowed.

§ 176.410 Division 1.5 materials, ammonium nitrate and ammonium nitrate mixtures.

(a) This section prescribes requirements to be observed with respect to transportation of each of the following hazardous materials by vessel:

(1) Explosives, blasting, type E, and Explosives, blasting, type B, Division 1.5 compatibility group D, UN 0331 and UN 0332.

(2) Ammonium nitrate, Division 5.1 (oxidizer), UN1942.

(3) Ammonium nitrate fertilizer, Division 5.1 (oxidizer), UN 2067.

(b) This section does not apply to Ammonium nitrate fertilizer, Class 9, UN 2071 or to any non-acidic ammonium nitrate mixed fertilizer containing 13 percent or less ammonium nitrate, less than 5 percent organic material, and no other oxidizing material, and which does not meet the criteria for any other hazard set forth in part 173 of this subchapter.

(c) When Division 1.5 compatibility group D materials, ammonium nitrate, or any of the ammonium nitrate fertilizers listed in paragraph (a) of this section are transported by vessel:

(1) They must be stowed well away from any steam pipe, electric circuit, or other source of heat;

(2) Smoking is prohibited except in designated areas away from the material and "No-Smoking" signs must be posted in accordance with § 176.60;

(3) Fire hoses must be connected, laid out, and tested before loading or unloading commences; and

(4) A fire watch must be posted in the hold or compartment where the material is being loaded or unloaded.

(d) When any of the hazardous materials listed in paragraph (a) of this section is transported in bags by vessel:

(1) The requirements specified in paragraph (c) of this section must be complied with;

(2) The temperature of the bagged material may not exceed 54 °C (130 °F);

(3) Minimum dunnage and sweatboards must be used to prevent any friction or abrasion of bags, and to allow for the circulation of air and access of water in the event of fire;

(4) The bags must be stowed from side to side, out to the sweatboards;

(5) A space of 46 cm (18 inches) must be provided between any transverse bulkhead and the bags;

(6) The bags must be stowed so as to provide a 46 cm (18 inch) athwartship trench along the centerline of the compartment, continuous from top to bottom;

(7) The bags must be stowed so as to provide a 46 cm (18 inch) amidship trench running fore and aft from bulkhead to bulkhead;

(8) The bags may not be stowed less than 46 cm (18 inches) from any overhead deck beam;

(9) The bags must be stowed so as to provide vent flues 36 cm (14 inches) square at each corner of the hatch continuous from top to bottom;

(10) Trenching must be accomplished by alternating the direction of the bags in each tier (bulkheading); and

(11) The bags must be blocked and braced as necessary to prevent shifting of the bagged cargo adjacent to any trench area.

(e) Notwithstanding § 176.83(b) of this part, ammonium nitrate and ammonium nitrate fertilizers classed as Division 5.1 (oxidizers) materials, may be stowed in the same hold, compartment, magazine, or freight container with Class 1 materials (explosive), except those containing chlorates, in accordance with the segregation and separation requirements of § 176.144 of this part applying to Explosives, blasting, type B, and Explosives, blasting, type E, Division 1.5 compatibility group D.

(f) No mixture containing ammonium nitrate and any ingredient which would accelerate the decomposition of ammonium nitrate under conditions incident to transportation may be transported by vessel.

[Amdt. 176-30, 55 FR 52706, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; Amdt. 176-34, 58 FR 51533, Oct. 1, 1993; Amdt. 176-38, 60 FR 49111, Sept. 21, 1995; 65 FR 58630, Sept. 29, 2000; 66 FR 45384, Aug. 28, 2001; 68 FR 45041, July 31, 2003]

§ 176.415 Permit requirements for Division 1.5, ammonium nitrates, and certain ammonium nitrate fertilizers.

(a) Except as provided in paragraph (b) of this section, before any of the following material is loaded on or unloaded from a vessel at any waterfront

§ 176.600

facility, the owner/operator must obtain written permission from the Captain of the Port (COTP).

(1) Ammonium nitrate UN1942, ammonium nitrate fertilizers containing more than 70% ammonium nitrate, or Division 1.5 compatibility group D materials packaged in a paper bag, burlap bag, or other nonrigid combustible packaging, or any rigid packaging with combustible inside packagings,

(2) Any other ammonium nitrate or ammonium nitrate fertilizer not listed in § 176.410(a) or (b).

(b) Any of the following may be loaded on or unloaded from a vessel at any waterfront facility without a permit:

(1) Ammonium nitrate, Division 5.1 (oxidizer) UN1942, in a rigid packaging with a noncombustible inside packaging.

(2) Ammonium nitrate fertilizer, Division 5.1 (oxidizer) UN 2067, if the nearest COTP is notified at least 24 hours in advance of any loading or unloading in excess of 454 kg (1,000 pounds).

(3) Division 1.5 compatibility group D material in a rigid packaging with noncombustible inside packaging.

(4) Ammonium nitrate fertilizer, Class 9, UN 2071.

(c) Before a permit may be issued, the following requirements must be met in addition to any others the COTP may impose:

(1) If the material is Explosives, blasting, type E, Division 1.5 compatibility group D, UN0332 in a combustible packaging or in a rigid packaging with a combustible inside packaging, it must be loaded or unloaded at a facility remote from populous areas, or high-value or high-hazard industrial facilities, so that in the event of fire or explosion, loss of lives and property may be minimized;

(2) If the material is a Division 1.5 compatibility group D material in a non-rigid combustible packaging and loaded in a freight container or transport vehicle, it may be loaded or unloaded at a non-isolated facility if the facility is approved by the COTP;

(3) Each facility at which the material is to be loaded or unloaded must conform with the requirements of the port security and local regulations and

49 CFR Ch. I (10–1–17 Edition)

must have an abundance of water readily available for fire fighting and

(4) Each facility at which the material is to be loaded or unloaded must be located so that each vessel to be loaded or unloaded has an unrestricted passage to open water. Each vessel must be moored bow to seaward, and must be maintained in a mobile status during loading, unloading, or handling operations by the presence of tugs or the readiness of engines. Each vessel must have two wire towing hawsers, each having an eye splice, lowered to the water's edge, one at the bow and the other at the stern.

[Amdt. 176-30, 55 FR 52706, Dec. 21, 1990, as amended at 56 FR 66282, Dec. 20, 1991; Amdt. 176-35, 59 FR 49134, Sept. 26, 1994; 65 FR 58630, Sept. 29, 2000; 66 FR 45185, 45384, 45385, Aug. 28, 2001; 68 FR 45041, July 31, 2003; 74 FR 53189, Oct. 16, 2009]

Subpart K [Reserved]

Subpart L—Detailed Requirements for Division 2.3 (Poisonous Gas) and Division 6.1 (Poisonous) Materials

SOURCE: Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, unless otherwise noted.

§ 176.600 General stowage requirements.

(a) Each package required to have a POISON GAS, POISON INHALATION HAZARD, or POISON label, being transported on a vessel, must be stowed clear of living quarters and any ventilation ducts serving living quarters and separated from foodstuffs, except when the hazardous materials and the foodstuffs are in different closed cargo transport units.

(b) Each package required to have both a POISON GAS label and a FLAMMABLE GAS label thereon must be segregated as a Division 2.1 (flammable gas) material.

(c) Each package bearing a POISON label displaying the text “PG III” or bearing a “PG III” mark adjacent to the poison label must be stowed away from foodstuffs.

(d) Each package of Division 2.3 (poisonous gas) material or Division 6.1 (poison) material that also bears a

FLAMMABLE LIQUID or FLAMMABLE GAS label must be stowed in a mechanically ventilated space, kept as cool as reasonably practicable, and be protected from sources of heat and stowed away from potential sources of ignition.

[Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, as amended at 57 FR 45465, Oct. 1, 1992; Amdt. 176-35, 59 FR 49134, Sept. 26, 1994; Amdt. 176-42, 62 FR 1236, Jan. 8, 1997; 64 FR 10782, Mar. 5, 1999; 69 FR 76185, Dec. 20, 2004; 78 FR 1096, Jan. 7, 2013]

§ 176.605 Care following leakage or sifting of Division 2.3 (poisonous gas) and Division 6.1 (poisonous materials).

A hold or compartment containing a package of a Division 2.3 (poisonous gas) or Division 6.1 (poisonous) material which has leaked or sifted must be thoroughly cleaned and decontaminated after the cargo is unloaded and before the hold or compartment is used for the stowage of any other cargo.

Subpart M—Detailed Requirements for Radioactive Materials

SOURCE: Amdt. 176-15, 48 FR 10245, Mar. 10, 1983, unless otherwise noted.

§ 176.700 General stowage requirements.

(a) [Reserved]

(b) A package of radioactive materials which in still air has a surface temperature more than 5 °C (9 °F) above the ambient air may not be overstowed with any other cargo. If the package is stowed under deck, the hold or compartment in which it is stowed must be ventilated.

(c) For a shipment of radioactive materials requiring supplemental operational procedures, the shipper must furnish the master or person in charge of the vessel a copy of the necessary operational instructions.

(d) A person may not remain unnecessarily in a hold, or compartment, or in the immediate vicinity of any pack-

age on deck, containing radioactive materials.

(The information collection requirements in paragraph (d) were approved by the Office of Management and Budget under control numbers 2137-0534, 2137-0535 and 2137-0536)

[Amdt. 176-15, 48 FR 10245, Mar. 10, 1983, as amended by Amdt. 176-15, 48 FR 31220, July 7, 1983; Amdt. 176-23, 50 FR 41523, Oct. 11, 1985; Amdt. 176-37, 60 FR 50333, Sept. 28, 1995; 66 FR 45385, Aug. 28, 2001; 69 FR 3694, Jan. 26, 2004]

§ 176.704 Requirements relating to transport indices and criticality safety indices.

(a) The sum of the transport indices (TI's) for all packages of Class 7 (radioactive) materials on board a vessel may not exceed the limits specified in Table IIIA of this section.

(b) For freight containers containing packages and overpacks of Class 7 (radioactive) materials, the radiation level may not exceed 2 mSv per hour (200 mrem per hour) at any point on the outside surface and 0.1 mSv per hour (10 mrem per hour) at 2 m (6.6 ft) from the outside surface of the freight container.

(c) The limitations specified in Table IIIA of this section do not apply to consignments of LSA-I material.

(d) The sum of the criticality safety indices (CSI's) for all packages and overpacks of fissile Class 7 (radioactive) materials on board a vessel may not exceed the limits specified in Table IIIB of this section.

(e) Each group of fissile Class 7 (radioactive) material packages and overpacks, containing a sum of CSIs no greater than 50 for a non-exclusive use shipment, or no greater than 100 for an exclusive use shipment, must be separated from all other groups containing fissile material packages and overpacks by a distance of at least 6 m (20 ft) at all times.

(f) The limitations specified in paragraphs (a) through (c) of this section do not apply when the entire vessel is reserved or chartered for use by a single offeror under exclusive use conditions if—

(1) The number of packages of fissile Class 7 (radioactive) material satisfies the individual package CSI limits of § 173.457 of this subchapter, except that

§ 176.708

49 CFR Ch. I (10–1–17 Edition)

the total sums of CSI's in the last column of Table IIIB of this section, including table note (d) apply;

(2) A radiation protection program for the shipment has been established and approved by the competent authority of the flag state of the vessel and, when requested, by the competent authority at each port of call;

(3) Stowage arrangements have been predetermined for the whole voyage, including any consignments to be loaded at ports of call;

(4) The loading, transport and unloading are to be supervised by persons qualified in the transport of radioactive material; and

(5) The entire shipment operation is approved by the Associate Administrator in advance.

(g) Table IIIA is as follows:

TABLE IIIA—TI LIMITS FOR FREIGHT CONTAINERS AND CONVEYANCES

Type of freight container or conveyance	Limit on total sum of transport indices in a single freight container or aboard a conveyance	
	Not under exclusive use	Under exclusive use
I. Freight container—small	50	N/A.
II. Freight container—large	50	No limit.
III. Vessel; ^{a,b}		
1. Hold, compartment or defined deck area:		
i. Packages, overpacks, small freight containers.	50	No limit.
ii. Large freight containers.	200	No limit.
2. Total vessel:		
i. Packages, overpacks, small freight containers.	200	No limit.
ii. Large freight containers.	No limit	No limit.

NOTES:
^aFor vessels, the requirements in both 1 and 2 must be fulfilled.
^bPackages or overpacks transported in or on a vehicle which are offered for transport in accordance with the provisions of § 173.441(b) of this subchapter may be transported by vessels provided that they are not removed from the vehicle at any time while on board the vessel.

(h) Table IIIB is as follows:

TABLE IIIB—CSI LIMITS FOR FREIGHT CONTAINERS AND CONVEYANCES

Type of freight container or conveyance	Limit on total sum of criticality safety indices in a single freight container or aboard a conveyance	
	Not under exclusive use	Under exclusive use
I. Freight container—small	50	N/A.
II. Freight container—large	50	100.
III. Vessel; ^{a,b}		
1. Hold, compartment or defined deck area:		
i. Packages, overpacks, small freight containers.	50	100.
ii. Large freight containers.	50	100.
2. Total vessel:		
i. Packages, overpacks, small freight containers.	200 ^c	200 ^d .
ii. Large freight containers.	No limit ^c ..	No limit ^d .

NOTES:
^aFor vessels, the requirements in both 1 and 2 must be fulfilled.
^bPackages or overpacks transported in or on a vehicle which are offered for transport in accordance with the provisions of § 173.441(b) of this subchapter may be transported by vessels provided that they are not removed from the vehicle at any time while on board the vessel. In that case, the entries under the heading "under exclusive use" apply.
^cThe consignment must be handled and stowed such that the total sum of CSIs in any group does not exceed 50, and such that each group is handled and stowed so that the groups are separated from each other by at least 6 m (20 ft).
^dThe consignment must be handled and stowed such that the total sum of CSIs in any group does not exceed 100, and such that each group is handled and stowed so that the groups are separated from each other by at least 6 m (20 ft). The intervening space between groups may be occupied by other cargo.

[69 FR 3694, Jan. 26, 2004]

§ 176.708 Segregation distances.

(a) Table IV lists minimum separation distances between radioactive materials and spaces regularly occupied by crew members or passengers, or between radioactive materials and undeveloped photographic film. It expresses the separation distances as a function of the sum of the TIs of all packages in a single consignment, in the case of 0 or 3 feet of intervening cargo of unit density for persons, and 0, 3, or 6 feet of intervening cargo of unit density for undeveloped film. Cargo of unit density is stowed cargo with a density of 1 long ton (2240 lbs.) per 36 cubic feet. Separation distances may be interpolated from the table where appropriate.

(b) Table IV is to be used to determine the separation distance for undeveloped film.

(c) Category YELLOW-II or YELLOW-III packages or overpacks must not be transported in spaces occupied by passengers, except those exclusively reserved for couriers specially authorized to accompany such packages or overpacks.

(d) The separation distances for crew members and passengers may be determined by one of two methods:

(1) By using Table IV to determine the minimum distances between the radioactive material packages and regularly occupied spaces or living quarters; or

(2) For one or more consignments of Class 7 (radioactive) material to be loaded on board a vessel under the exclusive use conditions described in

§176.704(f), by demonstration through direct measurement, made and documented by a suitably qualified person, that for the indicated exposure times the dose rate in regularly occupied spaces or living quarters is less than—

(i) For the crew: 7.0 $\mu\text{Sv/h}$ (0.70 mrem/h) up to 700 hours in a year, or 1.8 $\mu\text{Sv/h}$ (0.18 mrem/h) up to 2750 hours in a year; and

(ii) For the passengers: 1.8 $\mu\text{Sv/h}$ (0.18 mrem/h) up to 550 hours in a year, taking into account any relocation of cargo during the voyage.

(e) Any departure from the segregation provisions should be approved by the competent authority of the flag state of the ship and, when requested, by the competent authority at each port of call.

(f) Table IV is as follows:

TABLE IV

Sum of transport indexes of the packages	Minimum distance in feet from undeveloped film and plates	Minimum distance in feet from undeveloped film and plates																							
		1 day voyage		2 day voyage		4 day voyage		10 day voyage		20 day voyage		30 day voyage		40 day voyage		50 day voyage									
		Nil	3	6	Nil	8	3	6	Nil	11	17	3	6	Nil	30	3	6	Nil	35	8	3	6	Nil	39	3
0.1 to 0.5	5	Nil	3	6	Nil	3	6	Nil	3	6	Nil	3	6	Nil	30	3	6	Nil	35	8	3	6	Nil	39	3
0.6 to 1	6	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
1.1 to 2	9	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2.1 to 3	10	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3.1 to 5	13	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5.1 to 10	19	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10.1 to 20	26	6	35	8	X	50	12	X	78	19	X	110	26	X	135	33	8	155	37	9	220	53	13	250	59
20.1 to 30	32	8	43	10	X	61	14	X	85	20	X	135	32	8	190	45	11	235	56	13	270	65	16	305	72
30.1 to 50	42	10	55	13	X	78	19	X	110	26	X	175	42	10	245	58	14	300	73	17	350	84	20	390	94
50.1 to 100	59	14	78	19	X	110	26	X	155	37	9	245	59	14	350	82	20	430	105	24	515	118	28	550	130
100.1 to 150	72	17	96	23	X	135	32	8	190	46	11	300	72	17	425	100	24	525	125	30	600	145	35	(7)	165
150.1 to 200	84	20	110	26	X	155	37	9	200	53	13	350	84	20	490	115	28	600	140	35	(7)	165	40	(7)	190
200.1 to 300	105	24	135	32	X	190	46	11	270	64	15	425	105	25	600	145	35	(7)	180	42	(7)	205	49	(7)	230
300.1 to 400	120	28	160	37	9	220	53	13	310	75	18	500	120	28	(7)	165	40	(7)	205	49	(7)	235	57	(7)	265

NOTE:
 (1) X—indicates that thickness of screening cargo is sufficient without any additional segregation distance.
 (2) By using 6 feet of intervening unit density cargo for persons and 10 feet for film and plates, no distance shielding is necessary for any length of voyage specified.
 (3) Using 1 steel bulkhead or steel deck—multiply segregation distance by 0.8. Using 2 steel bulkheads or steel decks—multiply segregation distance by 0.64.
 (4) "Cargo of Unit Density" means cargo stowed at a density of 1 ton (long) per 36 cubic feet, where the density is less than this the depth of cargo specified must be increased in proportion.
 (5) "Minimum distance" means the least in any direction whether vertical or horizontal from the outer surface of the nearest package.
 (6) The figures below the double line of the table shall be used in those cases where the appropriate provisions of this class permit the sum of the transport indices to exceed 200.
 (7) Not to be carried unless screening by other cargo and bulkheads can be arranged in accordance with the other columns.

[Amdt. 176-15, 48 FR 10245, Mar. 10, 1983, as amended by Amdt. 176-37, 60 FR 50834, Sept. 28, 1995; 69 FR 3695, Jan. 26, 2004]

§ 176.710 Care following leakage or sifting of radioactive materials.

(a) In case of fire, collision, or breakage involving any shipment of radioactive materials, other than materials of low specific activity, the radioactive materials must be segregated from unnecessary contact with personnel. In case of obvious leakage, or if the inside container appears to be damaged, the stowage area (hold, compartment, or deck area) containing this cargo must be isolated as much as possible to prevent radioactive material from entering any person's body through contact, inhalation, or ingestion. No person may handle the material or remain in the vicinity unless supervised by a qualified person.

(b) A hold or compartment in which leakage of radioactive materials has occurred may not be used for other cargo until it is decontaminated in accordance with the requirements of § 176.715.

(c) For reporting requirements, see § 171.15 of this subchapter.

§ 176.715 Contamination control.

Each hold, compartment, or deck area used for the transportation of low specific activity or surface contaminated object Class 7 (radioactive) materials under exclusive use conditions in accordance with § 173.427(b)(4), or § 173.427(c) must be surveyed with appropriate radiation detection instruments after each use. Such holds, compartments, and deck areas may not be used again for Class 7 (radioactive) materials exclusive use transport service, and then only for a subsequent exclusive use shipment utilizing the provisions of § 173.427(b)(4), or § 173.427(c) until the radiation dose rate at every accessible surface is less than 0.005 mSv/h (0.5 mrem/h), and the non-fixed contamination is not greater than the limits prescribed in § 173.443(a) of this subchapter.

[79 FR 40618, July 11, 2014]

§ 176.720 Requirements for carriage of INF cargo in international transportation.

In addition to all other applicable requirements of this subchapter, a vessel carrying INF cargo (see § 176.2, under

INF cargo definition) in international transportation must meet the requirements of the INF Code contained in the IMDG Code (IBR, see § 171.7 of this subchapter).

[68 FR 75748, Dec. 31, 2003]

Subpart N—Detailed Requirements for Class 8 (Corrosive Materials) Materials

SOURCE: Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, unless otherwise noted.

§ 176.800 General stowage requirements.

(a) Each package required to have a Class 8 (corrosive) label thereon being transported on a vessel must be stowed clear of living quarters, and away from foodstuffs and cargo of an organic nature. For the purposes of this section, food ingredients intended for human consumption (ingredients) that are Class 8 (corrosive) materials are not considered to be incompatible with other food ingredients if the intended use of those ingredients is for the manufacture of food, or food ingredients containing those food ingredients (or like ingredients), with or without other ingredients.

(b) A package of Class 8 (corrosive material) material may not be stowed over any readily combustible material.

(c) Glass carboys containing Class 8 (corrosive material) material may not be stowed on board any vessel, other than a barge, more than two tiers high unless each carboy is boxed or crated with neck protection extending to the sides of the carboy box. This protective construction must be strong enough to permit stacking one on top of the other.

(d) A Class 8 (corrosive material) material may not be stowed over a hold or compartment containing cotton unless the deck is of steel and the hatch is fitted with a tight coaming. In addition, the deck must be tight against leakage and the Class 8 (corrosive material) material may not be stowed over the square of the hatch.

(e) Each package of Class 8 (corrosive material) which also bears a FLAMMABLE LIQUID label must be stowed

§ 176.805

away from all sources of heat and ignition.

[Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, as amended by Amdt. 176-39, 61 FR 18933, Apr. 29, 1996; 81 FR 3683, Jan. 21, 2016]

§ 176.805 On deck stowage.

When break bulk Class 8 (corrosive materials) materials being transported on a vessel are stowed on deck:

(a) Provisions must be made for leakage from any package to drain away from other cargo into an overboard scupper or freeing port. The drainage may not enter an enclosed drainage system other than a direct overboard scupper. If this stowage is not practical, sufficient clean dry sand must be placed under and around the lower tier of packages to absorb any leakage.

(b) Dunnage must be provided on the deck and arranged so that any leakage will be apparent.

(c) Any leakage that occurs must be washed down, using liberal quantities of water.

Subpart O—Detailed Requirements for Cotton and Vegetable Fibers, Motor Vehicles, Polymeric Beads, and Plastic Molding Compounds

SOURCE: Amdt. 176-30, 55 FR 52708, Dec. 21, 1990, unless otherwise noted.

§ 176.900 Packaging and stowage of cotton and vegetable fibers; general.

(a) Cotton, Class 9, NA 1365, Cotton, wet, Division 4.2, UN 1365, and other vegetable fibers, Division 4.1, being transported on a vessel must be securely baled and bound. Each bale of cotton or vegetable fibers must be covered with bagging on at least three-fourths of its surface, including both ends. Cut cotton linters may be accepted for transportation by vessel when baled and covered with bagging on the soft sides only if the bale is compressed to a density of at least 512 kg/m³ (32 pounds per cubic foot) and it is bound with at least six bands per bale. Any poorly compressed bale or any bale having damaged bindings may not be transported by vessel.

49 CFR Ch. I (10-1-17 Edition)

(b) Each bale of Cotton, wet, Division 4.2, UN 1365 must be stowed separately from any bales of dry cotton or vegetable fibers, in a 'tween deck space, and not overstowed. Any bale of cotton or vegetable fibers which is saturated with water may not be transported by vessel.

(c) Bales of cotton or vegetable fibers showing contact with oil or grease may not be accepted for transportation by vessel.

(d) Cotton or vegetable fibers must be stowed in a hold or compartment in accordance with the following requirements:

(1) All traces of oil or residue in the hold or compartment must be removed;

(2) A recently painted hold or compartment may not be used unless it is thoroughly dry;

(3) Each ventilation cowl serving the hold or compartment must be fitted with a spark screen;

(4) When a bulkhead of the hold or compartment is common with a boiler room, engine room, coal bunker, or galley and subjected to heat, a wooden bulkhead must be erected between the bulkhead and any cotton or vegetable fibers. This wooden bulkhead must be at least 15 cm (6 inches) from a boiler room bulkhead, and at least 5 cm (2 inches) from an engine room, coal bunker, or galley bulkhead;

(5) Each 'tween deck hatch must be closed with hatch covers, tarpaulins, and dunnage; however, metal hatch covers which are sealed by other means to provide equivalent protection may be used;

(6) Each hold or compartment must be equipped with a carbon dioxide or overhead water sprinkler system or other approved fixed extinguishing system. Before loading, the extinguishing system must be examined to ensure that it is in good working condition; and

(7) Each hold or compartment must be clear of all debris and swept as clean as practicable before loading.

(e) Naked lights or any fire likely to produce sparks are not permitted on the vessel, dock area, or on any lighters alongside a vessel during loading or unloading of cotton or vegetable fibers.

(f) Upon completion of stowage, each opening must be completely closed.

Where required, tarpaulins must be fitted and secured in place to provide a tight hold. During a period of temporary stoppage of loading or unloading, a hatch may be left open. However, during that period, a fire watch, designated by the master or officer-in-charge, must be stationed in the hold or compartment in which the cotton or vegetable fibers are stowed.

(g) At least one fire hose must be connected while cotton or vegetable fibers are being loaded or unloaded. Each fire pump must be operated before any loading or unloading. Pressure must be maintained on each fire main during the loading and the fire hose laid out ready for immediate use. Portable fire extinguishers must be placed to be readily available. The fire hose, fire pumps, and fire extinguishers may be the vessel's equipment or shore equipment.

(h) Smoking is not permitted on a vessel during the loading or unloading of cotton or vegetable fibers except at those times and in those places designated by the master. "NO SMOKING" signs must be conspicuously posted in appropriate places, and the responsible person in charge of the loading or unloading (see §176.57 of this part) must ensure that they are observed.

(i) Cotton or vegetable fibers may be stowed in the same hold over bulk sulfur if the sulfur has been trimmed and leveled and the hold is thoroughly cleaned of sulfur dust. A tight floor of two layers of 2.54 cm (1 inch) crossed clean dunnage boards must be laid on the sulfur before cotton or vegetable fibers are stowed. These substances may be stowed alongside each other in the same hold if they are separated by a tight dustproof wood bulkhead.

(j) Cotton or vegetable fibers may not be stowed in a 'tween deck hold over bulk sulfur in a lower hold unless the 'tween deck hold has been thoroughly cleaned of all sulfur dust and the 'tween deck hatch covers are in place and covered with tarpaulins and dunnage.

§176.901 Stowage of cotton or vegetable fibers with rosin or pitch.

(a) Unless impracticable, cotton or vegetable fibers being transported on a

vessel may not be stowed in the same hold or compartment with rosin or pitch being transported on the same vessel.

(b) When separate stowage is impracticable, the cotton or vegetable fibers may be stowed in the same hold or compartment with rosin or pitch if they are separated by clean dunnage or a cargo of a non-combustible nature. When such stowage within the same hold or compartment involves large amounts of cotton or fibers or of rosin or pitch, the rosin or pitch must be floored off with at least two layers of 2.54 cm (1 inch) dunnage and the cotton or vegetable fibers stowed above.

§176.903 Stowage of cotton or vegetable fibers with coal.

Cotton or vegetable fibers being transported on a vessel may not be stowed in the same hold with coal. They may be stowed in adjacent holds if the holds are separated by a tight steel bulkhead and the cotton or vegetable fibers are dunnaged at least 5 cm (2 inches) off the bulkhead. Cotton or vegetable fibers may be stowed in a hold above or below one in which coal is stowed if there is a tight steel intervening deck and all hatch covers are in place and covered with tarpaulins.

§176.905 Stowage of vehicles.

(a) A vehicle powered by an internal combustion engine, a fuel cell, batteries or a combination thereof is subject to the following requirements when carried as cargo on a vessel:

(1) Before being loaded on a vessel, each vehicle must be inspected for signs of leakage from batteries, engines, fuel cells, compressed gas cylinders or accumulators, or fuel tank(s) when applicable, and any identifiable faults in the electrical system that could result in short circuit or other unintended electrical source of ignition. A vehicle showing any signs of leakage or electrical fault may not be transported.

(2) For flammable liquid powered vehicles, the fuel tank(s) containing the flammable liquid, may not be more than one fourth full and the flammable liquid must not exceed 250 L (66 gal) unless otherwise approved by the Associate Administrator.

§ 176.905

49 CFR Ch. I (10–1–17 Edition)

(3) For flammable gas powered vehicles, the fuel shut-off valve of the fuel tank(s) must be securely closed.

(4) For vehicles with batteries installed, the batteries shall be protected from damage, short circuit, and accidental activation during transport. Except for vehicles with prototype or low production lithium batteries (see §173.185(d) of this subchapter) securely installed, each lithium battery must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, see §171.7 of this subchapter), as specified in §173.185(a) of this subchapter, unless approved by the Associate Administrator. Where a lithium battery installed in a vehicle is damaged or defective, the battery must be removed and transported according to §173.185(f) of this subchapter, unless otherwise approved by the Associate Administrator.

(5) Whenever possible, each vehicle must be stowed to allow for its inspection during transportation.

(6) Vehicles may be refueled when necessary in the hold of a vessel in accordance with §176.78.

(b) All equipment used for handling vehicles must be designed so that the fuel tank and the fuel system of the vehicle are protected from stress that might cause rupture or other damage incident to handling.

(c) Two hand-held, portable, dry chemical fire extinguishers of at least 4.5 kg (10 pounds) capacity each must be separately located in an accessible location in each hold or compartment in which any vehicle is stowed.

(d) “NO SMOKING” signs must be conspicuously posted at each access opening to the hold or compartment.

(e) Each portable electrical light, including a flashlight, used in the stowage area must be an approved, explosion-proof type. All electrical connections for any light must be made to outlets outside the space in which any vehicle is stowed.

(f) Each hold or compartment must be ventilated and fitted with an overhead water sprinkler system or fixed fire extinguisher system.

(g) Each hold or compartment must be equipped with a smoke or fire detection system capable of alerting personnel on the bridge.

(h) All electrical equipment in the hold or compartment other than fixed explosion-proof lighting must be disconnected from its power source at a location outside the hold or compartment during the handling and transportation of any vehicle. Where the disconnecting means is a switch or circuit breaker, it must be locked in the open position until all vehicles have been removed.

(i) *Exceptions.* A vehicle is not subject to the requirements of this subchapter if any of the following are met:

(1) The vehicle is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, see 46 CFR 70.10–1 and 90.10–38;

(i) For vehicles powered solely by lithium batteries and hybrid electric vehicles powered by both an internal combustion engine and lithium metal or ion batteries offered in accordance with this paragraph, the lithium batteries, except for prototype or those produced in low production, must be of a type that has successfully passed each test in the UN Manual of Tests and Criteria (IBR, see §171.7 of this subchapter), as specified in §173.185(a) of this subchapter. Where a lithium battery installed in a vehicle is damaged or defective, the battery must be removed.

(ii) [Reserved]

(2) The vehicle is powered by a flammable liquid that has a flashpoint of 38 °C (100 °F) or above, the fuel tank contains 450 L (119 gallons) of fuel or less, there are no leaks in any portion of the fuel system, and installed batteries are protected from short circuit;

(3) The vehicle is powered by a flammable liquid fuel that has a flashpoint less than 38 °C (100 °F), the fuel tank is empty, and installed batteries are protected from short circuit. Vehicles are considered to be empty of flammable liquid fuel when the fuel tank has been drained and the vehicles cannot be operated due to a lack of fuel. Engine

components such as fuel lines, fuel filters and injectors do not need to be cleaned, drained or purged to be considered empty. The fuel tank does not need to be cleaned or purged;

(4) The vehicle is powered by a flammable gas (liquefied or compressed), the fuel tanks are empty and the positive pressure in the tank does not exceed 2 bar (29 psig), the fuel shut-off or isolation valve is closed and secured, and installed batteries are protected from short circuit;

(5) The vehicle is solely powered by a wet or dry electric storage battery or a sodium battery, and the battery is protected from short circuit; or

(6) The vehicle is powered by a fuel cell engine, the engine is protected from inadvertent operation by closing fuel supply lines or by other means, and the fuel supply reservoir has been drained and sealed.

(j) Except as provided in §173.220(f) of this subchapter, the provisions of this subchapter do not apply to items of equipment such as fire extinguishers, compressed gas accumulators, airbag inflators and the like which are installed in the vehicle if they are necessary for the operation of the vehicle, or for the safety of its operator or passengers.

[82 FR 15893, Mar. 30, 2017]

§176.906 Stowage of engines and machinery.

(a) Any engine or machinery powered by internal combustion systems, with or without batteries installed, is subject to the following requirements when carried as cargo on a vessel:

(1) Before being loaded on a vessel, each engine or machinery must be inspected for fuel leaks and identifiable faults in the electrical system that could result in short circuit or other unintended electrical source of ignition. Engines or machinery showing any signs of leakage or electrical fault may not be transported.

(2) The fuel tanks of an engine or machinery powered by liquid fuel may not be more than one-fourth full.

(3) Whenever possible, each engine or machinery must be stowed to allow for its inspection during transportation.

(b) All equipment used for handling engines or machinery must be designed

so that the fuel tank and the fuel system of the engines or machinery are protected from stress that might cause rupture or other damage incident to handling.

(c) Two hand-held, portable, dry chemical fire extinguishers of at least 4.5 kg (10 pounds) capacity each must be separately located in an accessible location in each hold or compartment in which engine or machinery is stowed.

(d) "NO SMOKING" signs must be conspicuously posted at each access opening to the hold or compartment.

(e) Each portable electrical light, including a flashlight, used in the stowage area must be an approved, explosion-proof type. All electrical connections for any light must be made to outlets outside the space in which any engine or machinery is stowed.

(f) Each hold or compartment must be ventilated and fitted with an overhead water sprinkler system or fixed fire extinguisher system.

(g) Each hold or compartment must be equipped with a smoke or fire detection system capable of alerting personnel on the bridge.

(h) All electrical equipment in the hold or compartment other than fixed explosion-proof lighting must be disconnected from its power source at a location outside the hold or compartment during the handling and transportation of any engine or machinery. Where the disconnecting means is a switch or circuit breaker, it must be locked in the open position until all engines or machinery has been removed.

(i) *Exceptions.* (1) An engine or machinery is not subject to the requirements of this subchapter if the engine or machinery is empty of liquid or gaseous fuel(s), does not contain other dangerous goods, and installed batteries are protected from short circuit. An engine and machinery is considered to be empty of fuel when:

(i) For liquid fuels, the liquid fuel tank has been drained and the mechanical equipment cannot be operated due to a lack of fuel. Engine and machinery components such as fuel lines, fuel filters and injectors do not need to be cleaned, drained or purged to be considered empty of liquid fuels. In addition,

§ 176.907

the liquid fuel tank does not need to be cleaned or purged;

(ii) For gaseous fuels, the gaseous fuel tanks are empty of liquid (for liquefied gases), the positive pressure in the tanks does not exceed 2 bar (29 psig) and the fuel shut-off or isolation valve is closed and secured; or

(iii) The engine or machinery is powered by a fuel cell engine and the engine is protected from inadvertent operation by closing fuel supply lines or by other means, and the fuel supply reservoir has been drained and sealed.

(2) An engine or machinery is not subject to the requirements of this subchapter except for §173.185 of this subchapter and the vessel stowage provisions of column (10) of table §172.101 of this subchapter, if the following are met:

(i) Any valves or openings (*e.g.* venting devices) for liquid fuels must be closed during transport;

(ii) The engines or machinery must be oriented to prevent inadvertent leakage of dangerous goods and secured by means capable of restraining the engines or machinery to prevent any movement during transport which would change the orientation or cause them to be damaged;

(iii) For UN 3528 and UN 3530:

(A) Where the engine or machinery contains more than 60 L (16 Gal) of liquid fuel and has a capacity of not more than 450 L (119 Gal), it shall be labeled in accordance with subpart E of part 172 of this subchapter;

(B) Where the engine or machinery contains more than 60 L of liquid fuel and has a capacity of more than 450 L (119 Gal) but not more than 3,000 L (793 Gal), it shall be labeled on two opposing sides in accordance with §172.406(e) of this subchapter;

(C) Where the engine or machinery contains more than 60 L (16 Gal) of liquid fuel and has a capacity of more than 3,000 L (793 Gal), it shall be placarded on two opposing sides in accordance with subpart F of part 172 of this subchapter; and

(D) For UN 3530 the marking requirements of §172.322 of this subchapter also apply.

(iv) For UN 3529:

(A) Where the fuel tank of the engine or mechanical equipment has a water

49 CFR Ch. I (10–1–17 Edition)

capacity of not more than 450 L (119 Gal), the labeling requirements of subpart E of part 172 of this subchapter shall apply;

(B) Where the fuel tank of the mechanical equipment has a water capacity of more than 450 L (119 Gal) but not more than 1,000 L (264 Gal), it shall be labeled on two opposing sides in accordance with §172.406(e) of this subchapter;

(C) Where the fuel tank of the mechanical equipment has a water capacity of more than 1,000 L (264 Gal), it shall be placarded on two opposing sides in accordance with subpart F of part 172 of this subchapter.

(v) Except for engines or machinery offered in accordance with paragraph (i)(1) of this section, a shipping paper prepared in accordance with part 172 of this subchapter is required and shall contain the following additional statement “Transport in accordance with §176.906.” For transportation in accordance with the IMDG Code (IBR, see §171.7 of this subchapter) the following alternative statement is authorized “Transport in accordance with IMDG Code special provision 363.”

(j) Except as provided in §173.220(f) of this subchapter, the provisions of this subchapter do not apply to items of equipment such as fire extinguishers, compressed gas accumulators, airbag inflators and the like which are installed in the engine or machinery if they are necessary for the operation of the engine or machinery, or for the safety of its operator or passengers.

[82 FR 15894, Mar. 30, 2017]

§ 176.907 Polymeric Beads and Plastic Molding Compounds.

(a) When transported in cargo transport units, the cargo transport units must provide an adequate exchange of air in the unit. This adequate exchange of air may be accomplished by utilizing a ventilated container, an open-top container, or a container in one door off operation. When cargo transport units with venting devices are used these devices should be kept clear and operable. If mechanical devices are used for ventilation, they must be explosion-proof.

(b) As an alternative to the options presented in paragraph (a) of this section to ensure an adequate exchange of air; a refrigerated cargo transport unit may be used.

(c) The requirements in paragraph (a) and (b) of this section do not apply if the hazardous material is:

(1) Packed in hermetically sealed packagings or IBC's which conform to packing group II performance level for liquid dangerous goods with a total pressure in the packaging (i.e., the vapor pressure of the material plus the partial pressure of air or other inert gases, less 100kPa (15 psia)) at 55 °C (131 °F), determined on the basis of the hazardous material not completely filling the receptacle at a temperature of 55 °C (131 °C) or less at a filling temperature of 15 °C (59 °F), will not exceed two-thirds of the marked test pressure.

(2) [Reserved]

(d) Cargo transport units must be marked with a warning mark including the words "CAUTION—MAY CONTAIN FLAMMABLE VAPOR" or "CAUTION—MAY CONTAIN FLAMMABLE VAPOUR" with lettering having a height of at least 25 mm (1 inch). The mark must be affixed to each access point in a location where it will be easily seen by persons prior to opening or entering the cargo transport unit and must remain on the cargo transport unit until the following provisions are met:

(1) The cargo transport unit has been completely ventilated to remove any hazardous concentrations of vapor or gas;

(2) The immediate vicinity of the cargo transport unit is clear of any source of ignition; and

(3) The hazardous materials have been unloaded.

[78 FR 1096, Jan. 7, 2013]

PART 177—CARRIAGE BY PUBLIC HIGHWAY

Subpart A—General Information and Regulations

Sec.

177.800 Purpose and scope of this part and responsibility for compliance and training.

- 177.801 Unacceptable hazardous materials shipments.
- 177.802 Inspection.
- 177.804 Compliance with Federal Motor Carrier Safety Regulations.
- 177.810 Vehicular tunnels.
- 177.816 Driver training.
- 177.817 Shipping papers.
- 177.823 Movement of motor vehicles in emergency situations.

Subpart B—Loading and Unloading

- 177.834 General requirements.
- 177.835 Class 1 materials.
- 177.837 Class 3 materials.
- 177.838 Class 4 (flammable solid) materials, Class 5 (oxidizing) materials, and Division 4.2 (self-heating and pyrophoric liquid) materials.
- 177.839 Class 8 (corrosive) materials.
- 177.840 Class 2 (gases) materials.
- 177.841 Division 6.1 and Division 2.3 materials.
- 177.842 Class 7 (radioactive) material.
- 177.843 Contamination of vehicles.

Subpart C—Segregation and Separation Chart of Hazardous Materials

- 177.848 Segregation of hazardous materials.

Subpart D—Vehicles and Shipments in Transit; Accidents

- 177.854 Disabled vehicles and broken or leaking packages; repairs.

Subpart E—Regulations Applying to Hazardous Material on Motor Vehicles Carrying Passengers for Hire

- 177.870 Regulations for passenger carrying vehicles.

AUTHORITY: 49 U.S.C. 5101-5128; sec. 112 of Pub. L. 103-311, 108 Stat. 1673, 1676 (1994); sec. 32509 of Pub. L. 112-141, 126 Stat. 405, 805 (2012); 49 CFR 1.81 and 1.97.

Subpart A—General Information and Regulations

§ 177.800 Purpose and scope of this part and responsibility for compliance and training.

(a) *Purpose and scope.* This part prescribes requirements, in addition to those contained in parts 171, 172, 173, 178 and 180 of this subchapter, that are applicable to the acceptance and transportation of hazardous materials by private, common, or contract carriers by motor vehicle.