

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 126.15(c); or

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(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]

## 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 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

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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.

(b) To qualify as “on deck” stowage, the location must be on the weather deck. If it is in a house on the weather deck, it must have a permanent structural opening to the atmosphere, such as a door, hatch, companionway or manhole, and must be vented to the atmosphere. It may not have any structural opening to any living quarters, cargo, 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 which 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 “shade from radiant heat”, the stowage must be protected from the direct rays of the sun by means of structural erections or awnings except that such