

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 (see § 171.7 of this subchapter).

(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]

#### § 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 (see § 171.7 of this subchapter), subject to the conditions and limitations set forth in § 171.12 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 § 171.12a 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