

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 IMO's "International Convention for the Safety of Life at Sea (SOLAS)," Regulation II-2/19 of SOLAS 1974, as amended (incorporation by reference; 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]

§ 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 sub-

chapter 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 movement 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]

EFFECTIVE DATE NOTE: At 68 FR 61942, Oct. 30, 2003, §176.69 was amended in paragraph (d) by revising the word "movement" to read "shifting", effective Oct. 1, 2004. At 69 FR 30588, May 28, 2004, the effective date was delayed until Jan. 1, 2005.

§ 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

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stowage inboard in sheltered areas of exposed decks.

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

§ 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

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deck required in navigation and necessary working of the vessel.

(h) When runways for use of the crew are built over stowed hazardous materials, 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 movement in any direction. Vertical restraint is not required if the shape of the packages, loading pattern, and horizontal restraint preclude vertical movement 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;