

§ 176.3

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.

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 necessary 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.

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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]

§ 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.

(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]

§ 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);

(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