

§ 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).

(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.

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