

# AMENDING SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950 1767

## PART 126—HANDLING OF EXPLOSIVES OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

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**AUTHORITY:** §§ 126.01 to 126.37 issued under sec. 1, 40 Stat. 226, as amended; 50 U.S.C. 181, E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp., as amended, E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp. **SOURCE:** §§ 126.01 to 126.37 contained in CGFR 51-37, 16 F.R. 8877, Aug. 28, 1951, except as otherwise noted.

**126.01 General definitions.** (a) The terms "Commandant", "District Commander", "Captain of the Port", and "Waterfront Facility" when used in this part shall have the meaning set forth in Sections 6.01-1, 6.01-2, 6.01-3, and 6.01-4, respectively, of Executive Order No. 10173 (15 F.R. 7005, 3 CFR, 1950 Supp.), except that the term "waterfront facility" shall not include such a facility directly operated by the Departments of the Army, Navy, or Air Force.

(b) The term "net tons" when used in Paragraph 126.27 (b), shall be "net weights" of the materials as prepared for shipment, i.e.: gross weight less tare (weight of packing and shipping containers).

(CGFR 57-52, 22 F.R. 10302, Dec. 20, 1957)

**126.05 Designated waterfront facility.** The term "designated waterfront facility" shall mean a waterfront facility designated by Section 126.13 for the handling and storage of, and for vessel loading and discharging of, explosives, inflammable or combustible liquids in bulk, or other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146)

and the regulations governing tank vessels (46 CFR Parts 30 to 39, inclusive).

**126.07 Dangerous cargo.** The term "dangerous cargo" shall mean all explosives and other dangerous articles or cargo covered by the regulations entitled "Explosives or Other Dangerous Articles on Board Vessels" (46 CFR Part 146) and the regulations governing tank vessels (46 CFR Parts 30 to 39, inclusive).

**126.09 Designated dangerous cargo.** The term "designated dangerous cargo" shall mean Explosives (commercial or military), Class A, as classified in 46 CFR Part 146.

(CGFR 52-30, 17 F.R. 5397, June 14, 1952)

**126.11 Waiver authority based on local or unusual conditions.** Whenever the Commandant, the District Commander, or the Captain of the Port shall find that the application of any provision contained in this part is not necessary to the security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, he may waive compliance with such provision to the extent and under such requirements as he may determine.

**126.13 Designation of waterfront facilities.** (a) Waterfront facilities which fulfill the conditions required in Section 126.15, unless waived under provisions of Section 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the penalties of fine and imprisonment provided in section 2, Title II of the act of June 15, 1917, as amended, 50 U.S.C. 192.

(CGFR 57-52, 22 F.R. 10302, Dec. 20, 1957)

**126.15 Conditions for designation as designated waterfront facility.** The conditions referred to in Section 126.13 for designation of a waterfront facility for the purpose of handling, storing, stowing, loading, discharging, or transporting of dangerous cargo shall be as follows:

(a) **Guards.** That guards are provided by the owner or operator of the waterfront facility for