

§ 148.3 Definitions.

As used in this part—

A-60 class division means a division as defined in § 32.57-5 of this chapter.

Adjacent space means any enclosed space on a vessel, such as a cargo hold, cargo compartment, accommodation space, working space, storeroom, passageway, or tunnel, that shares a common bulkhead or deck with a hatch, door, scuttle, cable fitting or other penetration, with a cargo hold or compartment containing a material listed in Table 148.10 of this part.

Away from means a horizontal separation of at least 3 meters (10 feet) projected vertically is maintained between incompatible materials carried in the same hold or on deck.

Bulk applies to any solid material, consisting of a combination of particles, granules, or any larger pieces of material generally uniform in composition, that is loaded directly into the cargo spaces of a vessel without any intermediate form of containment.

Bulk Cargo Shipping Name or *BCSN* identifies a bulk solid material during transport by sea. When a cargo is listed in this Part, the BCSN of the cargo is identified by Roman type and is listed in Column 1 of Table 148.10 of this part. When the cargo is a hazardous material, as defined in 49 CFR part 173, the proper shipping name of that material is the BCSN.

Cold-molded briquettes are briquettes of direct reduced iron (DRI) that have been molded at a temperature of under 650 °C (1,202 °F) or that have a density of under 5.0 g/cm³.

Commandant (CG-ENG-5) means the Chief, Hazardous Materials Division of the Office of Design and Engineering Systems. The mailing address is: Commandant (CG-ENG-5), Attn: Hazardous Materials Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593-7509; telephone 202-372-1420 or email *hazmatstandards@uscg.mil*.

Compartment means any space on a vessel that is enclosed by the vessel's decks and its sides or permanent steel bulkheads.

Competent authority means a national agency responsible under its national law for the control or regulation of a particular aspect of the transportation of hazardous materials.

Confined space means a cargo hold containing a material listed in Table 148.10 of this part or an adjacent space not designed for human occupancy.

Domestic voyage means transportation between places within the United States other than through a foreign country.

Hazard class means the category of hazard assigned to a material under this part and 49 CFR parts 171 through 173.

HAZARD CLASS DEFINITIONS

HAZARD CLASSES USED IN THIS PART ARE DEFINED IN THE FOLLOWING SECTIONS OF TITLE 49

Class No.	Division No. (if any)	Description	Reference (49 CFR)
1	1.1, 1.2, 1.3, 1.4, 1.5, 1.6	Explosives	§ 173.50
2	2.1, 2.2, 2.3	Flammable Gas, Non-Flammable Compressed Gas, Poisonous Gas	§ 173.115
3		Flammable and Combustible Liquid	§ 173.120
4	4.1, 4.2, 4.3	Flammable Solid, Spontaneously Combustible Material, Dangerous When Wet Material.	§ 173.124
5	5.1	Oxidizer	§ 173.127
5	5.2	Organic Peroxide	§ 173.128
6	6.1	Poisonous Materials	§ 173.132
6	6.2	Infectious Substance	§ 173.134
7		Radioactive Material	§ 173.403
8		Corrosive Material	§ 173.136
9		Miscellaneous Hazardous Material	§ 173.140

Hazardous substance is a hazardous substance as defined in 49 CFR 171.8.

Hold means a compartment below deck that is used exclusively for the stowage of cargo.

Hot-molded briquettes are briquettes of DRI that have been molded at a temperature of 650 °C (1,202 °F) or higher, and that have a density of 5.0 g/cm³ (312 lb/ft³) or greater.

IMSBC Code means the English version of the “International Maritime Solid Bulk Cargoes Code” published by the International Maritime Organization (incorporated by reference, see §148.8).

Incompatible materials means two materials whose stowage together may result in undue hazards in the case of leakage, spillage, or other accident.

International voyage means voyages—

(1) Between any place in the United States and any place in a foreign country;

(2) Between places in the United States through a foreign country; or

(3) Between places in one or more foreign countries through the United States.

Lower flammability limit or *LFL* means the lowest concentration of a material or gas that will propagate a flame. The LFL is usually expressed as a percent by volume of a material or gas in air.

Master means the officer having command of a vessel. The functions assigned to the master in this part may also be performed by a representative of the master or by a person in charge of a barge.

Material safety data sheet or *MSDS* is as defined in 29 CFR 1910.1200.

Person in charge of a barge means an individual designated by the owner or operator of a barge to have charge of the barge.

Potentially Dangerous Material or *PDM* means a material that does not fall into a particular hazard class but can present a danger when carried in bulk aboard a vessel. The dangers often result from the material’s tendency to self-heat or cause oxygen depletion. Materials that present a potential danger due solely to their tendency to shift in the cargo hold are not PDMs. For international shipments prepared in accordance with the IMSBC Code (incorporated by reference, see §148.8), equivalent terminology to PDM is *Material Hazardous only in Bulk (MHB)*.

Readily combustible material means a material that may not be a hazardous material but that can easily ignite and

support combustion. Examples are wood, straw, vegetable fibers, and products made from these materials, and coal lubricants and oils. The term does not include packaging material or dunnage.

Reportable quantity or *RQ* means the quantity of a hazardous substance spilled or released that requires a report to the National Response Center. The specific RQs for each hazardous substance are available in 49 CFR 172.101, Appendix A.

Responsible person means a knowledgeable person who the master of a vessel or owner or operator of a barge makes responsible for all decisions relating to his or her specific task.

Seed cake means the residue remaining after vegetable oil has been extracted by a solvent or mechanical process from oil-bearing seeds, such as coconuts, cotton seed, peanuts, and linseed.

Shipper means any person by whom, or in whose name, or on whose behalf, a contract of carriage of goods by sea has been concluded with a carrier; or any person by whom or in whose name, or on whose behalf, the goods are actually delivered to the carrier in relation to the contract of carriage by sea.

Shipping paper means a shipping order, bill of lading, manifest, or other shipping document serving a similar purpose.

Stowage factor means the volume in cubic meters of 1,000 kilograms (0.984 long tons) of a bulk solid material.

Threshold limit value or *TLV* means the time-weighted average concentration of a material that the average worker can be exposed to over a normal eight-hour working day, day after day, without adverse effect. This is a trademark term of the American Conference of Governmental Industrial Hygienists (ACGIH).

Transported includes the various operations associated with cargo transportation, such as loading, off-loading, handling, stowing, carrying, and conveying.

Trimming means any leveling of a cargo within a cargo hold or compartment, either partial or total.

Tripartite agreement means an agreement between the national administrations of the port of loading, the port of

discharge, and the flag state of the vessel, on the conditions of carriage of a cargo.

Ventilation means exchange of air from outside to inside a cargo space and includes the following types:

(1) *Continuous ventilation* means ventilation that is operating at all times. Continuous ventilation may be either natural or mechanical;

(2) *Mechanical ventilation* means power-generated ventilation;

(3) *Natural ventilation* means ventilation that is not power-generated; and

(4) *Surface ventilation* means ventilation of the space above the cargo. Surface ventilation may be either natural or mechanical.

Vessel means a cargo ship or barge.

[75 FR 64591, Oct. 19, 2010, as amended by USCG–2013–0671, 78 FR 60154, Sept. 30, 2013]

§ 148.5 Alternative procedures.

(a) The Commandant (CG–ENG–5) may authorize the use of an alternative procedure, including exemptions to the IMSBC Code (incorporated by reference, see §148.8), in place of any requirement of this part if it is demonstrated to the satisfaction of the Coast Guard that the requirement is impracticable or unnecessary and that an equivalent level of safety can be maintained.

(b) Each request for authorization of an alternative procedure must—

(1) Be in writing;

(2) Name the requirement for which the alternative is requested; and

(3) Contain a detailed explanation of—

(i) Why the requirement is impractical or unnecessary; and

(ii) How an equivalent level of safety will be maintained.

§ 148.7 OMB control numbers assigned under the Paperwork Reduction Act.

The information collection requirements in this part are approved by the Office of Management and Budget, and assigned OMB control number 1625–0025.

§ 148.8 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal

Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. Also, it is available for inspection at the Coast Guard Headquarters. Contact Commandant (CG–ENG–5), Attn: Hazardous Materials Division, U.S. Coast Guard Stop 7509, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593–7509. The material is also available from the sources listed in paragraphs (b) and (c) of this section.

(b) International Maritime Organization (IMO), 4 Albert Embankment, London SE1 7SR, United Kingdom, +44 (0)20 7735 7611, <http://www.imo.org>.

(1) International Maritime Solid Bulk Cargoes Code and Supplement, 2009 edition (“IMSBC Code”), incorporation by reference, excluding supplemental materials, approved for §§148.3; 148.5(a); 148.15(d); 148.55(b); 148.205(b); 148.220(b) and (c); 148.240(h); 148.450(a), (d), and (g).

(2) [Reserved]

(c) United Nations Publications, 2 United Nations Plaza, Room DC2–853, Dept. C089, New York, NY 10017, (800) 253–9646, <http://unp.un.org>.

(1) Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Fifth revised edition (2009) (“UN Manual of Tests and Criteria”), incorporation by reference approved for §§148.205(b); 148.220(b) and (c).

(2) [Reserved]

[75 FR 64591, Oct. 19, 2010, as amended by USCG–2013–0671, 78 FR 60154, Sept. 30, 2013]

§ 148.9 Right of appeal.

Any person directly affected by enforcement of this part by or on behalf of the Coast Guard may appeal the decision or action under Subpart 1.03 of this chapter.