

## § 148.5

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

## 46 CFR Ch. I (10-1-25 Edition)

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](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.