

No public comment was received on this control strategy during the public comment period. The agency review is complete and the submittal has been found to meet all applicable requirements of 40 CFR Part 51.

Accordingly, 40 CFR Part 52 is being amended to reflect approval of the Control Strategy to attain the National Secondary Standard for Particulate Matter submitted by the State of Hawaii.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart M—Hawaii

1. In § 52.620, paragraph (c) is revised to read as follows:

§ 52.620 Identification of plan.

(c) Supplemental information was submitted on:

(1) April 4, 1972, May 15, 1973, and April 25, 1974, by the Department of Health and,

(2) May 8, May 22, June 15, November 21, 1972, and August 15, 1973.

§ 52.628 [Amended]

2. In § 52.628, the attainment date table is amended by replacing the letter "b", which indicates that an 18-month extension has been granted to submit the control strategy to attain the national secondary standard for particulate matter, with the letter "a", indicating an attainment date of July 1975, and by revoking footnote "b".

[FR Doc.74-14533 Filed 6-24-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maryland and Virginia State Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans, the Administrator granted the States of Maryland and Virginia 18-month extensions for submission of plans to attain and maintain the national secondary ambient air quality standard. Maryland was granted an extension for sulfur oxides in the Metropolitan Baltimore Intrastate Region and Virginia was granted an extension for particulate matter in the State Capital Intrastate Region.

The required plans were submitted on July 31, 1973, by the Governor of Maryland and on August 20, 1973, by the Governor of Virginia. On September 18, 1973 (38 FR 26151), and November 14, 1973 (38 FR 31455), the plans were published as proposed rulemaking and opportunity was provided for the public to comment on the approvability of the plans. No comments were received.

The Maryland plan does not alter the present emission limitations for sulfur oxides. The plan demonstrates that implementation and enforcement of existing Maryland regulations in the Metropolitan Baltimore Intrastate Region will be sufficient to achieve the national secondary ambient air quality standard for sulfur oxides by 1975.

The Virginia plan does not alter the present emission limitations for particulate matter. The report entitled "Technical Services Support for Virginia State Capital AQCR" was also submitted to demonstrate that implementation and enforcement of existing Virginia regulations in the State Capital Intrastate Region will be sufficient to achieve the secondary standards for particulate matter by 1975.

The plans to attain and maintain the national secondary ambient air quality standard for sulfur oxides in the Metropolitan Baltimore Intrastate Region and for particulate matter in the State Capital Intrastate Region meet the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and 40 CFR 51, and are hereby approved.

(42 U.S.C. 1857c-5)

Dated: June 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. Section 52.1070 is amended by revising paragraph (c) to read as follows:

§ 52.1070 Identification of plan.

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources, and
(3) April 16, May 5, June 15, June 22, June 28, July 9, and July 31, 1973.

§ 52.1078 [Amended]

2. In § 52.1078, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for sulfur oxides in the Metropolitan Baltimore Intrastate region by the letter "a", and footnote "b" is revoked.

Subpart VV—Virginia

3. Section 52.2420 is amended by revising paragraph (c) to read as follows:

§ 52.2420 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) June 30 and July 26, 1972, and
(3) April 11, May 30, July 9, July 11, August 20, and December 6, 1973.

§ 52.2429 [Amended]

4. In § 52.2429, the attainment date table is amended by replacing the letter "b" for attainment of the national secondary standard for particulate matter in the State Capital Intrastate region by the letter "a", and footnote "b" is revoked.

[FR Doc.74-14534 Filed 6-24-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL
[FPMR, Amdt. H-85]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101-47.2—Utilization of Excess Real Property

SURPLUS DETERMINATIONS

JUNE 18, 1974.

The President in a memorandum to the heads of departments and agencies dated April 19, 1974, concerning energy self-sufficiency, directed the Administrator of General Services and the Administrator of the Federal Energy Administration to make arrangements to ensure that energy site needs are considered with other competing needs in the disposal of surplus real property under existing laws and regulations. To implement the Presidential directive, § 101-47.204-1 is amended to provide that the Administrator of the Federal Energy Administration will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e)(3)(G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

Section 101-47.204-1 is amended as follows:

§ 101-47.204-1 Reported property.

(a) The holding agency, the Secretary of Health, Education, and Welfare, and the Secretary of the Interior will be notified of the date upon which determination as surplus becomes effective. The Secretary of Housing and Urban Development also will be so notified but only regarding those properties that HUD identifies as having potential for housing and for related public, commercial, or industrial facilities under section 414 of the Housing and Urban Development Act of 1969, as amended. (See § 101-47.203-5.) Any Federal agency that has identified a property as being required for replacement housing for displaced persons under section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 also will be notified of the date upon which determination as

surplus becomes effective. The Administrator of the Federal Energy Administration also will be notified when real property is determined surplus and advised of any known interest in the property for its use or development for energy facilities. Appropriate steps will be taken to ensure that energy site needs are considered along with other competing needs in the disposal of surplus real property since such property may become available for such use under section 203(e) (3) (G) or (H) of the Federal Property and Administrative Services Act of 1949, as amended.

(b) The notices to the Secretary of Health, Education, and Welfare, the Secretary of the Interior, and the Administrator of the Federal Energy Administration will be sent to the offices designated by them to serve the area in which the property is located. The notices to the Secretary of Housing and Urban Development will be sent to the central office of HUD. The notices to the Federal agencies having a requirement pursuant to section 218 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 will be sent to the office making the request unless another office is designated.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))
(Catalog of Federal Domestic Assistance
Program No. 39.002, Disposal of Federal Surplus Real Property.)

Effective date. This amendment is effective June 25, 1974.

Dated: June 18, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 74-14493 Filed 6-24-74; 8:45 am]

Title 46—Shipping
CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION
[CGD 73-172]

MARINE PORTABLE TANKS

The purpose of these amendments to the Coast Guard regulations is to add requirements for the approval and use of a new type of portable tank for carrying dangerous articles. These amendments include operating requirements for the filling and discharging of portable tanks on board vessels and for equipment used in the filling and discharging of portable tanks. These amendments are established for vessel safety.

Present Coast Guard regulations concerning portable tanks include the following:

1. Subparts 30.01, 70.05, and 90.05 presently authorize the carriage of certain combustible liquids in portable tanks that conform to Subpart 98.35 on board cargo and miscellaneous and passenger vessels. Subpart 98.35 contains construction and operating requirements for such portable tanks.

2. Subpart 90.05 authorizes the carriage on board cargo vessels of certain inflammable and combustible liquids in special design portable tanks approved

and authorized by the Commandant. There are no construction or operating requirements for such special design portable tanks in the Coast Guard regulations.

3. Subparts 30.01 and 90.05 authorize the carriage of certain inflammable liquids in portable tanks in accordance with Part 146 on board cargo vessels. Part 146 authorizes the carriage of these inflammable liquids in portable tanks that meet various Department of Transportation specifications in Part 178 of Title 49. Such portable tanks are not required to be designed to be filled or discharged while on board vessels.

Because of the limited purpose of each of the presently authorized portable tanks, the National Offshore Industry Advisory Committee submitted proposed regulations to the Coast Guard that would provide for the carriage of combustible liquids, inflammable liquids, corrosives, and other dangerous articles in portable tanks that can be not only on and off loaded when full or empty but also filled or emptied while on board a vessel.

The regulations were proposed in the December 5, 1973, issue of the *FEDERAL REGISTER* (38 FR 33494). Interested persons were given 47 days in which to submit written comments and were also given an opportunity to make oral comments at a public hearing held on January 15, 1974 in New Orleans, La. More than 70 written and oral comments were received concerning the proposal.

These amendments are based on that notice and in general are as follows:

Subchapter F is amended to add new Part 64 containing design, construction, stamping, testing, approval and periodic inspection requirements for the new portable tank for marine service, and design, construction, and inspection requirements for associated piping and equipment used in filling and discharging the tank.

Part 98 of Subchapter I is amended to add new Subpart 98.30 containing rules for the handling, stowage, and safe transportation of portable tanks, approved under Part 64.

Parts 30, 70, and 90 are amended to identify the cargoes which are allowed to be carried in portable tanks approved under Part 64.

Discussion of specific comments and changes follows.

PART 64

The portion of proposed Part 64 that received the most comments was the general requirements of Subpart A. These comments expressed a concern that the proposed tank requirements for marine service affect portable tanks carried by water, railway, and highway modes of transportation, the specifications for which are contained in 49 CFR Part 178. In general, the comments suggested that the proposed requirements for portable tanks for marine service be distinguished by adding to the Subpart heading that the regulations concern tanks designed to be carried by vessels. Accordingly, the

title of Part 64 is changed to "Marine Portable Tanks (MPT)", and the designation "MPT" is used in the text of the regulations when reference is made to a marine portable tank.

In addition, proposed Part 64 is renumbered to allow for future amendments and addition.

Section 64.1 The minimum service temperature of 0° F. in the proposed § 64.1 was questioned and concern was expressed as to whether or not a tank may be carried on a vessel when the atmospheric temperature is 0° F. or below. It should be noted that the minimum service temperature requirement in the proposal concerns temperatures due to refrigerated service and is not concerned with atmospheric conditions. Since the Coast Guard determined that clarification of the requirement was not needed, no change was made to the minimum service temperature.

Section 64.2 It was pointed out that the proposed definition in § 64.2(a) did not apply to an MPT that is capable of being lifted on board a vessel in a filled condition. In order to avoid any confusion, the proposed definition is changed from the notice to clarify that the requirements apply to an MPT that is capable of being lifted onto and off of a vessel in a filled and in an empty condition. This definition is renumbered § 64.5(a).

The proposed definition of "start-to-discharge pressure" in § 64.2(e) was eliminated because it is not a term generally used in the United States for relief devices and it created confusion. The term "set pressure" is substituted in the text of the regulations without definition because it is a recognized term used by United States relief valve manufacturers.

The dynamic loading conditions proposed in § 64.2(g) are consistent with IMCO design requirements for marine portable tanks contained in section 13 of the International Maritime Dangerous Goods Code. Because of this conformance to international standards, all requests for modification of the dynamic loading conditions were rejected. Section 64.2(g) is renumbered § 64.5(f).

Section 64.7. The allowable stress in proposed § 64.7 was questioned. In consideration of the comments, the section is rewritten to clarify the intent. The section as rewritten provides the allowable stress for the tank at design conditions and at test pressure. Section 64.7 is renumbered § 64.13.

Section 64.10. The purpose of the requirements in proposed § 64.10 was questioned. The external pressure requirements in § 64.10 are design requirements and not test requirements. The purpose of the requirements is to have the tank designed for an external pressure in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition. The external pressure limit specified in § 64.10 (a) is for a tank not required to have a vacuum breaker and in § 64.10(b) for a tank required to have a vacuum breaker. No further clarification is considered

necessary by the Coast Guard in § 64.10. Section 64.10 is renumbered § 64.19.

Section 64.14. The purpose of proposed § 64.14 was questioned. The purpose of requiring the tank base to be as wide and as long as the tank is to provide for the support, securing, and mechanical protection of the tank while it is on a vessel. The Coast Guard considers this requirement to be essential for the support, securing and mechanical protection of the tank and no change is made. Section 64.14 is renumbered § 64.27.

Section 64.15. A comment was received concerning whether or not tank saddles must be attached to the MPT. Saddles are usually a part of a portable tank. In those limited number of cases where the saddles are not attached to the MPT, the Commandant may give special consideration to the portable tank design under 46 CFR 50.20-30. Since Subchapter F, in which Part 64 will be published, contains procedures for the acceptance of equivalents, no further changes are considered necessary. Section 64.15 is renumbered § 64.29.

Section 64.19. The meaning of the word "guard" in proposed § 64.19 caused some confusion. Tank valves and fittings can be placed to take advantage of the protection provided by the tank structure. In order to clarify the intent of the requirement, § 64.19 is changed to specify that the tank, tank saddle, or framework may function as a guard. Section 64.19 is renumbered § 64.37.

Section 64.20. The meaning of the word "locking" in proposed § 64.20 elicited some response. The intent of the regulation is to prevent the unintentional opening of a filling or discharge valve. This may be done by placing the valve in an enclosure that is secured by fitting the valve handwheel with a securing lever, or by a seal. The Coast Guard did not intend to require a padlock or a similar lock to be fitted to the valve. To clarify the intent of the regulations, the word "securing" is substituted for the word "locking". Section 64.20 is renumbered § 64.39.

Section 64.23. It was suggested that proposed 64.23 be rewritten to include the devices used to secure "intermodal" portable tanks on trucks. The suggestion was not adopted because such securing devices are not used in marine transportation. Section 64.23 is renumbered § 64.45.

Section 64.24. A request to include fusible elements in proposed § 64.24 as a type of pressure relief devices for an MPT was considered but not adopted by the Coast Guard because a fusible element senses temperature and does not sense pressure. Section 64.24 is renumbered § 64.47.

Section 64.31. The proposed requirement in § 64.31 that a spring loaded pressure relief valve must be set at a nominal pressure of 125 percent of the maximum allowable working pressure elicited comments. This requirement is accepted by IMCO and the Coast Guard for portable tanks where total containment of the cargo is considered necessary to the

safety of the vessel. Accordingly, no change was made to § 64.31. Section 64.31 is renumbered § 64.59.

Table 1. Several comments pointed out that the values for the required minimum emergency venting capacity in Table 1 were less than the values that would be obtained by the calculation of "Q" in the formula. Table 1 is corrected.

Subpart E. Commenters had many suggestions for the time intervals for periodic inspections contained in Subpart E and other aspects of the inspection requirements. The periodic inspection intervals for an MPT are consistent with IMCO recommendations.

Some concern was expressed as to how the tanks could be inspected on board an inspected drilling vessel that might be drilling for six years. During this time an MPT aboard such a vessel would require at least five inspections of the pressure and vacuum relief devices, two visual inspections, and one hydrostatic test. It was the intention of the proposed regulations that the periodic inspections may be performed by the owner or his designated representative. For clarification, proposed §§ 64.40, 64.41, 64.42, and 64.43 have been changed to provide that the inspector may be the owner or his representative. Sections 64.40, 64.41, 64.42, and 64.43 are renumbered §§ 64.77, 64.79, 64.81, and 64.83, respectively.

Section 64.43. The use of water in the hydrostatic tests instead of an inflammable, a combustible, or a corrosive liquid raised some questions. The reasons why this test must be performed with water instead of a liquid or a dangerous article is because the Coast Guard is concerned for the safety of the testing personnel.

Other questions directed to § 64.43 concerned the removal of tank insulation during routine inspection. Tank insulation does not have to be removed for a hydrostatic test; however, if the tank is in questionable condition, the inspector must remove the insulation to determine the condition of the tank. For clarification, § 64.43(a) (4) has been changed by replacing the words "by the inspector" with the words "for the inspection". Section 64.43 is renumbered § 64.83.

PART 98

The use in proposed Part 98 of the phrase "dangerous article" created some confusion. This phrase is used in 46 U.S.C. 170 and is denoted to include inflammable and corrosive liquids. In 46 CFR 146.03-8, "dangerous article" is defined as including inflammable and corrosive liquids. Since the MPT is designed and constructed to carry inflammable and corrosive liquids, the term "dangerous article" has been retained for consistency with the law and current regulations.

Subpart 98.30. Some commenters felt that transferring to or from portable tanks should be restricted to those tanks carried on vessels in the offshore industry because there is no need to pump from container ships. The Coast Guard recognizes that the need to transfer to or from portable tanks on container ships is very

limited compared to the need on vessels in the offshore industry; however, no substantial reason could be found to prohibit transferring to or from portable tank on a containership. Accordingly, the proposal is not changed.

Subpart 98.30 is renumbered to allow for future amendments and additions.

Section 98.30-7. The proposed requirement in § 98.30-7 drew some response. Those who commented questioned the "open deck" stowage limitation for portable tanks because IMCO permits "below deck" stowage. The Coast Guard recognizes that IMCO standards allow below deck stowage of a few cargoes in portable tanks, but these standards impose many additional vessel operating requirements. By requiring "open deck" stowage for these cargoes, the necessary safety requirements are provided with a minimum of operating restriction. Accordingly, no change is made to § 98.30-7, except to renumber as § 98.30-9.

Section 98.30-11. Some commenters, in discussing the requirements for the qualifications of a person in charge of a transfer operation, pointed out that an operator is not required to have knowledge of such operation. The Coast Guard recognizes that an operator of an inspected vessel may not be qualified to supervise the transfer of a dangerous article or a combustible liquid. Accordingly, § 98.30-11(d) is clarified by requiring that the person in charge of the transfer of dangerous articles or combustible liquids be a person who holds a valid tankerman's endorsement on his merchant mariner's document that is obtained as required in 46 CFR Subpart 12.20. Section 98.30-11 is renumbered § 98.30-17.

Subpart 98.35. Some commenters asked the Coast Guard to retain the standards in Subpart 98.35 for portable tanks constructed on or after October 1, 1974. The proposal was not changed because the Coast Guard has determined that Subpart 98.35 standards do not meet IMCO standards, and is, therefore, considered by the Coast Guard to be outmoded. Subpart 98.35 standards do not provide for total containment of the product being carried which is now considered necessary for the overall safety of the vessel.

In consideration of the foregoing, the proposed regulations are hereby adopted subject to the changes and corrections discussed in the preceding paragraphs. Accordingly, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

SUBCHAPTER D—TANK VESSELS

PART 30—GENERAL PROVISIONS

1. By revising the authority citation of Part 30 to read as follows:

AUTHORITY: Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), R.S. 4472, as amended (46 U.S.C. 170), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46(b) and (c)(4), unless otherwise noted.

2. By amending § 30.01-5 by revising paragraphs (a)(1)(i) and (ii), (a)(2)(i) and (ii), and (a)(3)(i), and by add-

ing paragraphs (a) (3) (ii) and (iii) to read as follows:

§ 30.01-5 Application of regulations—TB/ALL.

- (a) * * *

- (1) * * *

(i) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Grade D in a portable tank in accordance with Part 146 of this chapter.

- (2) * * *

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

- (3) * * *

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or a marine portable tank approved for the article under Part 64 of this chapter.

**SUBCHAPTER F—MARINE ENGINEERING
PART 64—MARINE PORTABLE TANKS (MPT)**

3. By amending Subchapter F by adding Part 64 to read as follows:

Subpart A—General

Sec.	Purpose.
64.1	Applicability.
64.3	Definitions.
64.5	Plan approval for an MPT.
64.9	Dangerous articles for which tanks may be approved.

Subpart B—Standards for an MPT

64.11	MPT design.
64.13	Allowable stress; tank.
64.15	Allowable stress; framework.
64.17	Minimum tank thickness.
64.19	External pressure.
64.21	Material.
64.23	Gasket and lining.
64.25	Cross section.
64.27	Base.
64.29	Tank saddles.
64.31	Inspection opening.
64.33	Pipe connection.
64.35	Bottom filling or discharge connection.
64.37	Valve and fitting guard.
64.39	Valve securing device.
64.41	Stop valve closure.
64.43	Lifting fittings.
64.45	Securing devices.
64.47	Type of relief devices.
64.49	Labeling openings.
64.51	Tank parts marking.
64.53	Metal information plate.
64.55	Relief device location.

Subpart C—Standard for Pressure Relief Device

64.57	Pressure relief device acceptance.
64.59	Spring loaded pressure relief valve.
64.61	Rupture disc.
64.63	Minimum emergency venting capacity.
64.65	Vacuum relief device.
64.67	Shutoff valve.
64.69	Location of the pressure relief device.
64.71	Marking of pressure relief devices.

Subpart D—Shop Inspection

64.73	Request for shop inspection.
64.75	Stamping.

Subpart E—Periodic Inspections and Tests

64.77	Inspection and test.
64.79	Inspection of pressure and vacuum relief device.
64.81	30-month inspection of an MPT.
64.83	Hydrostatic test.
64.85	Portable tanks constructed before October 1, 1974.

Subpart F—Cargo Handling System

64.87	Purpose.
64.89	Cargo pump unit.
64.91	Relief valve for the cargo pump discharge.
64.93	Pump Controls.
64.95	Piping.
64.97	Cargo hose.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46(b) and (c) (4).

Subpart A—General

§ 64.1 Purpose.

This part contains—

(a) The requirements for the design, construction, testing, and stamping requirements of marine portable tanks which are authorized to be carried under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter;

(b) The design and construction requirements for cargo handling systems that are used in conjunction with these tanks; and

(c) The requirements for the periodic inspection required in § 98.30 for these tanks and portable tanks approved under Subpart 98.35, which are authorized to be carried on vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter.

§ 64.3 Applicability.

(a) To be approved under this part, a marine portable tank must meet the requirements in this part and have a minimum service temperature of 0° F or more; and

(b) Contain more than 110 U.S. gallons of a liquid cargo that has a vapor pressure of 43 pounds per square inch absolute (psia) or less at a temperature of 122° F.

§ 64.5 Definitions.

As used in this part:

(a) "Marine portable tank" or "MPT" means a liquid carrying tank that—
(1) Is designed to be carried on board a vessel;

(2) Can be lifted onto and off of a vessel in a filled or in an empty condition, or filled and discharged while on board a vessel; and

(3) Is not permanently attached to a vessel.

(b) "Tank" means the pressure vessel and the associated fittings of an MPT that come in contact with the product being carried.

(c) "Total containment pressure" means the minimum pressure for total product containment under normal operating conditions at a gauge pressure consisting of the absolute vapor pressure of the product at 122° F added to the dynamic pressure, based on the tank dimensions and the location of the relief devices, of not less than 5 pounds per square inch gauge (psig) at the top of the tank in the operating position.

(d) "Maximum allowable working pressure" means the maximum gauge pressure at the top of the tank in the operating position at 122° F, equal to or greater than the total containment pressure, as defined in paragraph (c) of this section. The maximum allowable working pressure is used in the calculation of the minimum thickness of each element of the tank, excluding the allowance for corrosion and the thickness required for loadings other than pressure, as provided for in Division 1 of Section VIII of the ASME Code, 1974 Edition.

(e) "Test pressure" means a hydrostatic pressure of at least one and one-half times the maximum allowable working pressure.

(f) "Dynamic loading conditions" means the following:

(1) A loading in the vertical down direction equal to 2 times the weight of the tank and the heaviest product carried.

(2) A loading in the transverse direction equal to the weight of the tank and the heaviest product carried.

(3) A loading in the longitudinal direction equal to the weight of the tank and the heaviest product carried.

(g) "Owner" means the person, corporation, company, partnership, or organization in which is vested the ownership, dominion, or title of a portable tank.

§ 64.7 Plan approval for an MPT.

(a) Each owner or manufacturer who desires an MPT and pressure relief devices on the tank to be approved by the Coast Guard must submit the following information in accordance with the procedures contained in § 50.20-5 of this chapter:

(1) The calculations for each pressure containment component including the working pressure, the hydrostatic test pressure, and the pressure relief device setting.

(2) The joint design and method of attachment of each pressure containment component.

(3) The design calculations and method of attachment of the foundations and supports.

(4) A listing of material meeting the requirements of Division 1 of Section VIII of the ASME Code, 1974 edition.

(5) A diagrammatic arrangement drawing of the assembled MPT that shows the location of each internal and external component.

(b) In addition to the requirement contained in paragraph (a) of this sec-

tion, each owner or manufacturer who desires a cargo handling system to be tested and inspected must submit information to the U.S. Coast Guard in accordance with the requirements in § 56.01-10 of this chapter.

§ 64.9 Dangerous articles for which tanks may be approved.

Portable tanks may be approved for the following dangerous articles under this part:

- (a) Acetone.
- (b) Alcohol.
- (c) Ethyl methyl acetone.
- (d) Toluol (toluene).
- (e) Xylol (xylene).
- (f) Benzene (benzol).
- (g) Gasoline.
- (h) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.
- (i) Sulfuric acid of concentrations 65.25 percent or greater: *Provided*, The corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.
- (j) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

Subpart B—Standards for an MPT

§ 64.11 MPT design.

- An MPT must be designed—
- (a) In accordance with Division 1 of Section VIII of the ASME Code, 1974 edition, and this subpart;
- (b) With a maximum gross weight of 55,000 pounds;
- (c) With a maximum allowable working pressure of at least 20 pounds per square inch gauge (psig) but not more than 48 psig; and
- (d) To withstand dynamic loading conditions applied simultaneously.

§ 64.13 Allowable stress; tank.

- (a) The calculated stress in the tank under design conditions, including dynamic loading conditions applied simultaneously, must not exceed the allowable stress listed in Division 1 of Section VIII of the ASME Code, 1974 edition, for a design temperature of 122° F.
- (b) The calculated stress in the tank at test pressure must not exceed 75 percent of the minimum yield stress,¹ or 37.5 percent of the minimum tensile stress¹ of the material, whichever is less.

§ 64.15 Allowable stress; framework.

The calculated stress for the framework must be 80 percent or less of the minimum yield stress of the framework material under the dynamic loading conditions that are applied simultaneously.

§ 64.17 Minimum tank thickness.

- (a) Except as allowed in paragraph (b) of this section, a tank with a diameter of—
- (1) 6 feet or less must have a shell and head of $\frac{3}{16}$ inch thickness or more; or
- (2) More than 6 feet must have a shell and head of $\frac{1}{4}$ inch thickness or more.

- (b) If the tank has additional framework to guard against accidental puncturing of the tank, the shell and head thickness must be $\frac{1}{8}$ inch or more.

§ 64.19 External pressure.

- (a) A tank without a vacuum breaker must be designed to withstand an external pressure of 7½ psig or more.
- (b) A tank with a vacuum breaker must be designed to withstand an external pressure of 3 psig or more.

§ 64.21 Material.

The material for a tank must meet the requirements in Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.23 Gasket and lining.

- Each gasket and lining must be made of material that is—
- (a) Chemically compatible with the product for which the tank is approved; and
- (b) Resistant to deterioration from the product for which the tank is approved.

§ 64.25 Cross section.

- A tank must have a cross section design that is—
- (a) Circular; or
- (b) Other than circular and stress analyzed experimentally by the method contained in UG-101 of the ASME Code, 1974 edition.

§ 64.27 Base.

The base of an MPT must be as wide and as long as the tank.

§ 64.29 Tank saddles.

If a tank is not completely supported by a framework, it must be supported by two or more external saddles, each of which extends to 120 degrees or more of the shell circumference.

§ 64.31 Inspection opening.

An MPT must have an inspection opening that is designed in accordance with Division 1 of Section VIII of the ASME Code, 1974 edition.

§ 64.33 Pipe connection.

Each pipe connection that is not a pressure relief device must be fitted with a manually operated stop valve or closure located as close to the tank as practicable.

§ 64.35 Bottom filling or discharge connection.

If an MPT is designed with a filling or discharge connection in the bottom, the connection must be fitted with a bolted blank flange, threaded cap, or similar device to protect against leakage of the product, and a manually operated valve that is located—

- (a) Inside the tank and operated outside the tank; or
- (b) Outside the tank but as close to it as practicable.

§ 64.37 Valve and fitting guard.

- Each valve and fitting must be protected from mechanical damage by—
- (a) The tank;
- (b) A tank saddle;
- (c) The framework; or
- (d) A guard.

§ 64.39 Valve securing device.

Each filling and discharge valve must have a securing device to prevent unintentional opening.

§ 64.41 Stop valve closure.

A stop valve that operates by a screwed spindle must close in a clockwise direction.

§ 64.43 Lifting fittings.

Each MPT must have attached lifting fittings so that the tank remains horizontal and stable while being moved.

§ 64.45 Securing devices.

An MPT or its framework must have sufficient number of positive action securing devices, including hooks, lugs, or padeyes, to attach the unit to the vessel so that—

- (a) The stress does not exceed the standard contained in § 64.15; and
- (b) Additional lashing is not needed.

§ 64.47 Type of relief devices.

- (a) An MPT with an internal capacity of more than 550 U.S. gallons must have one or more spring loaded relief valves. In addition, a rupture disc may be attached.
- (b) An MPT with an internal capacity of 550 U.S. gallons or less must have a rupture disc or a spring loaded relief valve.

§ 64.49 Labeling openings.

Each opening of a tank must be labeled to identify the function such as "suction", "discharge", "heating coil".

§ 64.51 Tank parts marking.

- Any part of a tank furnished by an outside supplier may not be used in a tank unless it bears—
- (a) The Coast Guard symbol;
- (b) The Marine Inspection Office identification letters;
- (c) The word "Part";
- (d) The manufacturer's name and serial number; and
- (e) The design pressure.

§ 64.53 Metal information plate.

- (a) A corrosion resistant metal plate, containing the information in paragraph (b) of this section, must be permanently attached to the tank.
- (b) Each metal information plate required in paragraph (a) of this section must have the following information completed in legible letters that are $\frac{3}{16}$ inch in height or more:
 - (1) Owner's name.
 - (2) Manufacturer's name.
 - (3) Date of manufacture.
 - (4) Tank serial number.
 - (5) Maximum allowable working pressure in psig.
 - (6) Test pressure in psig.
 - (7) External pressure in psig rating.
 - (8) Total capacity in gallons.
 - (9) Maximum net weight in tons.
 - (10) Maximum gross weight in tons.
 - (11) Percent ullage at 122° F.
 - (12) Hydrostatic test date.

§ 64.55 Relief device location.

A pressure relief device must be located on an MPT in a place that—

¹ Listed in Division 1 of Section VIII of the ASME Code, 1974 edition.

- (a) Is the highest practical point of the tank; and
 (b) Allows direct communication with the vapor space.

Subpart C—Pressure Vacuum Relief Devices

§ 64.57 Pressure relief device acceptance.

A pressure relief device must be—

- (a) From a supplier² accepted under Chapter I of Title 46, Code of Federal Regulations; or
 (b) Accepted by the Coast Guard in accordance with the procedures in § 50.25-10 of this chapter.

§ 64.59 Spring loaded pressure relief valve.

A spring loaded pressure relief valve must—

- (a) Be set at a nominal pressure of 125 percent of the maximum allowable working pressure;
 (b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure;
 (c) Close after discharge of a pressure not lower than 115 percent of the maximum allowable working pressure; and
 (d) If closed, remain closed at any pressure less than 115 percent of the maximum allowable working pressure.

§ 64.61 Rupture disc.

If a rupture disc is the only pressure relief device on the tank, the rupture disc must—

- (a) Rupture at a pressure of 125 percent of the maximum allowable working pressure; and
 (b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure.

§ 64.63 Minimum emergency venting capacity.

(a) The total emergency venting capacity (Q) of the relief devices of an uninsulated MPT must be in accordance with Table 1 or the following formula based upon the pressure relief device operating at a pressure not to exceed the test pressure:

$$Q = \frac{633,000(A)^{0.82}}{LC} \sqrt{\frac{ZT}{M}}$$

where:

Q=Minimum required rate of discharge in cubic feet per minute of free air at standard conditions (60° F and 14.7 psia).

M=Molecular weight of the product, or 86.7.

T=Temperature, degrees Rankine (460° + temperature in degrees F of gas at relieving temperature), or 710° Rankine.

A=Total external surface area of the tank compartment in square feet.

L=Latent heat of the product being vaporized at relieving conditions in Btu per pound, or 144 Btu per pound.

Z=Compressibility factor of the gas at relieving conditions, or 1.0.

C=Constant based on relation of specific heats, in accordance with Appendix J of Division 1 of Section VIII of the ASME Code, 1974 edition, or 315.

(b) The total emergency venting capacity (Q) of an insulated portable tank may have a reduction if—

- (1) It is shown to the Coast Guard that the insulation reduces the heat transmission to the tank;
 (2) The present reduction of the emergency venting capacity (Q) is limited to the percent reduction of the heat transmission to the tank or 50 percent, whichever is less; and
 (3) The insulation is sheathed.

TABLE 1.—Minimum emergency venting capacity in cubic feet: free air/hour (14.7 lb/in²a and 60° F)

Exposed area square feet ¹	Cubic feet free air per hour	Exposed area square feet ¹	Cubic feet free air per hour
30	27,600	275	237,000
35	38,500	300	250,000
40	48,600	350	289,500
50	68,600	400	322,100
60	87,700	450	355,900
70	107,000	500	391,000
80	126,500	550	417,500
90	146,000	600	450,000
100	166,000	650	479,000
120	212,000	700	512,000
140	258,000	750	540,000
160	302,000	800	569,000
180	346,000	850	597,000
200	384,000	900	621,000
225	444,000	950	656,000
250	499,000	1,000	685,000

¹ Interpolate for intermediate sizes.

§ 64.65 Vacuum relief device.

A vacuum relief device must—

- (a) Open at an external pressure not less than 3 psig; and
 (b) Have an opening with a cross section of 0.44 square inches or more.

§ 64.67 Shutoff valve.

A shutoff valve may not be located—

- (a) Between the tank opening and pressure relief device; or
 (b) On the discharge side of the pressure relief device.

§ 64.69 Location of the pressure relief device.

A pressure relief device must be—

- (a) Accessible for inspection and repair before stowage of the tank; and
 (b) Attached so that escaping gas does not impinge on the tank or framework.

§ 64.71 Marking of pressure relief devices.

A pressure relief device must be plainly and permanently marked with the—

- (a) Set pressure rating;
 (b) Rated flow capacity expressed as cubic feet of standard air (60° F, 14.7 psia) per minute and the pressure at which the flow capacity is determined;
 (c) Manufacturer's name and identifying number; and
 (d) Pipe size of inlet.

Subpart D—Shop Inspection

§ 64.73 Request for shop inspection.

- (a) After the information required in § 64.7 is approved by the Coast Guard,

the manufacturer must request a shop inspection and hydrostatic test for each MPT from the cognizant Officer in Charge, Marine Inspection.

(b) If a shop inspection and hydrostatic test for an MPT can not be performed within a reasonable time, the Officer in Charge, Marine Inspection may accept the manufacturer's certification that the MPT meets the requirements in Subpart B of this part. However, this MPT must pass a hydrostatic test in the presence of a Coast Guard inspector before it may be stamped in accordance with § 64.75.

§ 64.75 Stamping.

If an MPT conforms to the approved plan and passes a hydrostatic test required in § 54.10-10 of this chapter, a Coast Guard inspector stamps on the metal information plate required in § 64.53 the—

- (a) Coast Guard symbol, in accordance with § 50.10-25 of this chapter; and
 (b) Coast Guard number, in accordance with § 50.10-30 of this chapter.

Subpart E—Periodic Inspections and Tests

§ 64.77 Inspection and test.

For the handling and stowage requirements in § 98.30-3 of this chapter, each portable tank must pass the following inspections and tests conducted by the owner or his representative:

(a) Pressure relief and vacuum relief devices must be inspected one time or more during each 12 month period of service in accordance with § 64.79.

(b) An MPT must be inspected during the 30 months before any month in which it is in service in accordance with § 64.81.

(c) An MPT must pass a hydrostatic test in accordance with § 64.83 during the 60 months before any month in which it is in service.

(d) After each welded repair, an MPT must pass a hydrostatic test in accordance with § 64.83.

§ 64.79 Inspection of pressure and vacuum relief device.

(a) The inspection of the pressure and vacuum relief device required in § 64.77(a) must include—

- (1) Disassembling;
 (2) A visual inspection for defective parts; and
 (3) A test of the accuracy of the pressure setting.

(b) If the pressure and vacuum relief valve passes the inspection required in paragraph (a) of this section, the owner or his representative may attach to the device a metal tag containing the date of the inspection.

§ 64.81 30-month inspection of an MPT.

(a) The 30-month inspection of an MPT required in § 64.77(b) must include—

(1) An internal and external examination for—

- (i) Corrosion;
 (ii) Cracking of base material; and
 (iii) Weld defects; and

² Accepted suppliers are listed in CG-190, Equipment List.

(2) A visual inspection for defective parts and a manual operation of the gauging device, remote operating mechanism, and each valve, except the pressure relief device.

(b) If the tank passes the inspection required in paragraph (a) of this section, the owner or his representative may stencil the date of the inspection on the MPT near the metal identification plate that is required in § 64.53 in durable and legible letters that are 1 1/4 inch in height or larger.

§ 64.83 Hydrostatic test.

(a) The hydrostatic test required in § 64.77(c) includes—

(1) Closing each manhole and other openings by normal means of closure;

(2) Using wrenches or other tools that are used during normal operations to close the manhole and other openings;

(3) Using the same type of gaskets as used in service;

(4) If required for the inspection, removing tank insulation;

(5) Filling the tank with water and pressurizing to the test pressure indicated on the metal identification plate without leaking; and

(6) It fitted with an internal heating coil, the heating coil passing a hydrostatic test at a pressure of 200 psig or more or 50 percent or more above the rated pressure of the coil, whichever is greater.

(b) If the tank passes the hydrostatic test required in paragraph (a) of this section, the owner or his representative may stamp the date of the test and his initials on the metal identification plate required in § 64.53.

§ 64.85 Portable tanks constructed before October 1, 1974.

(a) If a portable tank is constructed, maintained, marked, and inspected in accordance with Subpart 98.35 of this chapter, it may carry combustible liquids until October 1, 1984.

(b) If a portable tank does not meet the requirements in paragraph (a) of this section or the requirements in this part, it may carry a dangerous article or combustible liquid until October 1, 1977 if—

(1) The owner, lessee, charterer, or person in charge submits in accordance with § 50.20-5 of this chapter—

(i) The date and place of manufacture;

(ii) The portable tank's serial number;

(iii) The design drawing and calculation;

(iv) The type, manufacturer, and setting of each relief device;

(v) The dangerous article or combustible liquid proposed to be carried in the portable tank; and

(vi) A history of the portable tank's service; and

(2) The information submitted in accordance with paragraph (b)(1) of this section, is accepted by the Coast Guard;

(3) The portable tank passes a Coast Guard inspection to determine conformance with the accepted information; and

(4) The Coast Guard notifies the owner in writing that the portable tank

is accepted and may continue in service until October 1, 1977. If allowed to remain in service, the owner may complete and mark on the accepted portable tank in letters 3 inches in height or larger:

LIMITED FOR
(dangerous article or combustible
liquid accepted for carriage)
UNTIL October 1, 1977

(c) An appeal from the decision required in paragraph (b)(2) of this section may be made in accordance with § 50.20-40 of this chapter.

Subpart F—Cargo Handling System

§ 64.87 Purpose.

Each cargo handling system required to meet § 98.30-25 of this chapter must meet the requirements of this subpart.

§ 64.89 Cargo pump unit.

(a) A cargo pump unit that fills or discharges a portable tank must be—

(1) Constructed of materials that are compatible with the product to be pumped; and

(2) Designed to be compatible with the hazard associated with the product to be pumped.

(b) The cargo pump power unit must be—

- (1) Diesel;
- (2) Hydraulic;
- (3) Pneumatic; or
- (4) Electric.

(c) The starting system for a cargo pump power unit must be designed to be compatible with the hazard associated with the product to be pumped.

(d) A diesel engine that is used to drive a cargo pump must have a spark arrestor on the exhaust system.

§ 64.91 Relief valve for the cargo pump discharge.

The cargo pump discharge must have a relief valve that is—

(a) Fitted between the cargo pump discharge and the shut-off valve, with the relief valve discharge piped back to the cargo pump suction or returned to the tank; and

(b) Set at the maximum design pressure of the piping and discharge hose, or less.

§ 64.93 Pump controls.

(a) A pressure gauge must be installed—

- (1) On the pump discharge;
- (2) Near the pump controls; and
- (3) Visible to the operator.

(b) A pump must have a remote, quick acting, manual shutdown that is conspicuously labeled and located in an easily accessible area away from the pump. The quick acting, manual shutdown for remote operation must provide a means of stopping the pump power unit.

§ 64.95 Piping.

(a) Piping, valves, flanges, and fittings used in the pumping system must be designed in accordance with Part 56 of this chapter.

(b) A cargo loading and discharge header or manifold must—

(1) Have stop valves to prevent cargo leakage; and

(2) Be visible to the operator at the cargo pump controls.

(c) Each pipe and valve in the pumping system that has an open end must have a plug or cap to prevent leakage.

(d) Each hose connection must be threaded or flanged except for a quick connect coupling that may be specifically accepted by the U.S. Coast Guard in accordance with the procedures in § 50.25-15 of this chapter.

(e) A non-return valve must be in the pump discharge if a backflow condition may occur during pumping.

(f) Any non-metallic flexible hose that is used in the piping system must comply with § 56.60-25(c) of this chapter.

§ 64.97 Cargo hose.

Each hose assembly, consisting of couplings and a hose that has an inside diameter—

(a) Larger than three inches, must meet the requirements in 33 CFR 154.500; or

(b) Three inches or less, must be designed to withstand the pressure of the shutoff head of the cargo pump or pump discharge relief valve setting, but not less than 100 pounds per square inch.

SUBCHAPTER H—PASSENGER VESSELS

PART 70—GENERAL PROVISIONS

4. By revising § 70.05-30(a)(1) and (2) to read as follows:

§ 70.05-30 Combustible liquid cargo in bulk.

(a) * * *

(1) Grade E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(2) Grade D in a portable tank in accordance with Part 146 of this chapter.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 90—GENERAL PROVISIONS

5. By amending § 90.05-35 by revoking and reserving paragraph (a)(1)(iii) and by revising paragraphs (a)(1)(i) and (ii) and (a)(2)(i), and by adding paragraphs (a)(2)(ii) and (a)(2)(iii) to read as follows:

§ 90.05-35 Flammable and combustible liquid cargo in bulk.

(a) * * *

(1) * * *

(i) Grades D and E in an integral tank, in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(ii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

(iii) [Reserved]

(2) * * *

(i) Grades B and lower in a fixed independent or an integral tank authorized by the Commandant.

(ii) Grades D and E in a portable tank approved under Subpart 98.35 of this chapter, or in a marine portable tank approved under Part 64 of this chapter.

(iii) Dangerous articles in a portable tank in accordance with Part 146 of this chapter, or in a marine portable tank approved for the article under Part 64 of this chapter.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND OTHER PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

6. By amending Part 98 by adding a new Subpart 98.30 to read as follows:

Subpart 98.30—Handling and Stowage of Portable Tanks

- Sec.
- 98.30-1 Applicability.
 - 98.30-3 Vessels carrying portable tanks.
 - 98.30-5 Lifting a portable tank.
 - 98.30-7 Smoking.
 - 98.30-9 Portable tank stowage.
 - 98.30-11 Cargo pumps.
 - 98.30-13 Ground connection.
 - 98.30-15 Leakage containment.
 - 98.30-17 Qualifications of person in charge.
 - 98.30-19 Supervision by person in charge.
 - 98.30-21 Inspection prior to transfer.
 - 98.30-23 Requirements for transfer; general.
 - 98.30-25 Requirements for transfer; cargo handling system.
 - 98.30-27 Connections.
 - 98.30-29 Piping incompatible products.
 - 98.30-31 Conditions for pumping.
 - 98.30-33 Warning signals.
 - 98.30-35 Warning sign at gangway.
 - 98.30-37 Firefighting requirements.
 - 98.30-39 Alternate fire extinguishing system.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c)(4).

Subpart 98.3—Handling and Stowage of Portable Tanks

§ 98.30-1 Applicability.

This subpart prescribes regulations for the loading, carrying, handling and stowing, and transfer of products to or from portable tanks—

(a) Designed, constructed, and marked in accordance with the requirements in Part 64 of this chapter which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter; and

(b) Constructed, marked, and maintained in accordance with the requirements in Subpart 98.35 of this chapter, which are authorized to be carried on board vessels under §§ 30.01-5, 70.05-30, and 90.05-35 of this chapter.

§ 98.30-3 Vessels carrying portable tanks.

Except to complete a voyage, no person may operate a vessel to which this subpart applies unless each portable tank on board—

(a) Contains the information required in—

(1) Section 64.53(b) of this chapter and—

(i) An inspection date that is within 12 months before the month during which the vessel is operated. The inspection date must be on a metal tag in ac-

cordance with § 64.80(b) of this chapter;

(ii) An inspection date that is within 30 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.81(b) of this chapter; and

(iii) A hydrostatic test date that is within 60 months before the month during which the vessel is operated. The inspection date must be stenciled in accordance with § 64.83(b) of this chapter;

(2) Section 64.85(b) of this chapter; or

(3) Section 64.85(a) of this chapter including a periodic test and inspection date that is within 48 months before the month during which the vessel is operated. The inspection date must be stamped in accordance with § 98.35-15 (a), and

(b) Is approved for the carriage of the following combustible liquids or dangerous articles:

- (1) Grade D.
- (2) Grade E.
- (3) Acetone.
- (4) Alcohol.
- (5) Ethyl methyl acetone.
- (6) Toluol (toluene).
- (7) Xylol (xylene).
- (8) Benzene (benzol).
- (9) Gasoline.
- (10) Hydrochloric—hydrofluoric acid mixtures containing not more than 2 percent hydrofluoric acid.

(11) Sulfuric acid of concentrations 65.25 percent or greater provided the corrosive effect on steel measured at 100° F is not greater than that of 65.25 percent sulfuric acid.

(12) Sulfuric acid concentration not to exceed 51 percent, if the tank is rubber-lined.

§ 98.30-5 Lifting a portable tank.

No person may lift a portable tank with another portable tank.

§ 98.30-7 Smoking.

No person may smoke within 50 feet of a portable tank on the deck on which the tank is stowed.

§ 98.30-9 Portable tank stowage.

(a) No person may operate a vessel to which this subpart applies unless each portable tank is stowed on an open deck.

(b) No person may stow a portable tank—

(1) In the vicinity of another tank that contains a chemically incompatible product; and

(2) Unless all electrical equipment is explosion-proof or intrinsically safe, as defined in § 111.80-5 of this chapter, in the area of the tank and its associated equipment that is—

(i) Within 10 feet in any horizontal direction; and

(ii) Within 8 feet above the deck.

§ 98.30-11 Cargo pumps.

No person may operate a cargo pump to transfer a product to or from a portable tank unless the pump is installed—

(a) Above deck; or

(b) Below deck, in conformance with Subpart 32.60 of this chapter.

§ 98.30-13 Ground connection.

No person may transfer an inflammable or combustible product to or from a vessel unless—

(a) The portable tank and its pumping equipment is electrically grounded to the hull of the vessel; and

(b) The vessel is electrically grounded to an offshore platform, shore piping, or another vessel by a—

(1) Cargo hose constructed with an integral grounding wire if the end connections are used for electrical continuity; or

(2) Separate grounding that is maintained until the cargo hose is disconnected and drained.

§ 98.30-15 Leakage containment.

(a) No person may transfer a product to or from a vessel unless there is a container or enclosed deck area that meets the requirements of this section under or around each transfer connection area.

(b) Each container or enclosed deck area must hold, in all conditions of vessel list or trim to be encountered during the transferring operation, 5 gallons or more and must have a means of draining or removing any leakage without mixing incompatible products or discharging into the water.

§ 98.30-17 Qualifications of person in charge.

No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of a product to and from a portable tank unless—

(a) On self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer;

(b) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tankerman certificated for the grade of cargo carried;

(c) For vessels other than tank vessels that are required by this chapter to have a licensed officer on board, he holds a valid license as a master, mate, pilot, or engineer;

(d) For other inspected vessels not specified in paragraphs (a), (b), and (c) of this section he holds a valid tankerman's endorsement on a merchant mariner's document; or

(e) For foreign vessels he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

§ 98.30-19 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical product transfer operation unless the person in charge designated in § 98.30-17, personally supervises the operation.

(b) No person may start the flow of a product to or from a portable tank unless instructed to do so by the person in charge.

(c) No person may transfer a product to or from a portable tank unless the person in charge is in the immediate vicinity

of the transfer operation and immediately available to the person transferring the product.

§ 98.30-21 Inspection prior to transfer.

No person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge of the transfer determines that—

(a) Each warning signal and sign required in §§ 98.30-33 and 98.30-35 is displayed;

(b) No repair work in the vicinity of any portable tank is done without permission of the person in charge of the transfer operation; and

(c) Riveting, welding, burning, or a similar operation is not done in the vicinity of a portable tank unless an inspection by the person in charge of the transfer ensures that the operation can be done safely.

§ 98.30-23 Requirements for transfer; general.

No person may transfer a product to or from a portable tank unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Transfer hoses or loading arms are long enough to allow the vessel to move the limits of its mooring without placing strain on the hose, loading arm, or transfer piping system;

(c) Each transfer hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system necessary to allow the flow of the product is lined up for the transfer;

(e) Each transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(f) Each coupling meets the requirements of § 98.30-27;

(g) Each scupper or drain in a discharge containment system is closed;

(h) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of the transfer operations on the receiving vessel or facility have held a conference, to ensure that each person in charge understands—

(1) The identity of the product to be transferred;

(2) The sequence of transfer operations;

(3) The transfer rate;

(4) The name or title and location of each person participating in the transfer operation;

(5) Particulars of the transferring and receiving systems;

(6) Critical stages of the transfer operations;

(7) Federal, state, and local rules that apply to the transfer of dangerous articles and combustible liquids;

(8) Emergency procedures;

(9) Discharge containment procedures;

(10) Discharge reporting procedures;

(11) Watch or shift arrangement; and

(12) Transfer shutdown procedures;

(i) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of transfer operations on the receiving vessel or facility agree to begin the transfer operations; and

(j) Each person in charge required in this subpart is present.

§ 98.30-25 Requirements for transfer; cargo handling system.

No person may transfer a product to or from a portable tank unless the cargo handling system meets the requirements in Subpart F of Part 64 of this chapter.

§ 98.30-27 Connections.

(a) Each person who makes a connection for a transfer operation shall—

(1) Use suitable material in joints and couplings to make a tight seal;

(2) Use a bolt in at least every other hole and in no case less than four bolts in each temporary connection utilizing an American National Standards Institute (ANSI) standard flange coupling;

(3) Use a bolt in each hole of couplings other than ANSI standard flange couplings;

(4) Use a bolt in each hole of each permanently connected flange coupling;

(5) Use bolts of the same size in each bolted coupling; and

(6) Tighten each bolt and nut uniformly to distribute the load.

(b) No person who makes a connection for a transfer operation may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) No person may use a connection for transfer operations unless it is—

(1) A bolted or full threaded connection; or

(2) A quick-connect coupling accepted by the Coast Guard.

§ 98.30-29 Piping incompatible products.

No person may pipe a portable tank with another tank that contains a chemically incompatible product.

§ 98.30-31 Conditions for pumping.

No person may start pumping a product to or from a portable tank or if started, continue to pump if—

(a) There is an electrical storm;

(b) A fire occurs—

(1) On the deck;

(2) On the vessel;

(3) In the vicinity; or

(c) The cargo hose ruptures or leaks.

§ 98.30-33 Warning signals.

(a) If the vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays a—

(1) Red flag by day; and

(2) Red electric lantern by night.

(b) If the vessel is at anchor, no person may transfer to or from a portable tank a product with a flashpoint of less

than 300° F unless the person in charge displays a red flag.

(c) The signal required in paragraphs (a) and (b) of this section must be visible on all sides of the vessel.

§ 98.30-35 Warning sign at gangway.

If a vessel is moored, no person may transfer to or from a portable tank a product with a flashpoint of less than 300° F unless the person in charge displays at each gangway or access that is open for use a warning placard containing the following in letters 2 inches in height or larger:

WARNING

No open lights

No smoking

§ 98.30-37 Firefighting requirements.

No person may lift a portable tank on or off a vessel, or transfer a product with a flashpoint of less than 300° F to or from a portable tank unless—

(a) Water pressure is maintained on the firemain;

(b) Firehoses, fitted with a Coast Guard approved combination nozzle, are attached to each fire hydrant in the vicinity of the portable tanks;

(c) Except as provided in § 98.30-39, fire extinguishers of a dry chemical type are—

(1) Located to protect the deck area 10 feet in any horizontal direction from each portable tank and its associated cargo handling system;

(2) Coast Guard approved; and

(3) Capable of covering the deck area without being moved;

(d) In a deck area of 500 square feet or less, there are 2 or more dry chemical fire extinguishers of 300 pounds or more total capacity of extinguishing agent; and

(e) In a deck area of more than 500 square feet, there are 3 or more dry chemical fire extinguishers of 450 pounds or more total capacity of extinguishing agent.

§ 98.30-39 Alternate fire extinguishing system.

An alternative to the fire extinguishing system required in § 98.30-37(c) may be approved in accordance with procedures contained in Subpart 90.15 of this chapter.

7. By revising the heading of Subpart 98.35 to read as follows:

Subpart 98.35—Portable Tanks Constructed Before October 1, 1974 That Carry Combustible Liquids

8. By amending § 98.35-1 by striking in paragraph (c) the reference "98.35-35", by revising the first sentence of paragraph (a), and adding paragraph (f), to read as follows:

§ 98.35-1 Scope.

(a) This subpart contains the requirements for the construction, testing, loading, and discharging of a portable tank for the carriage of combustible liquids that is constructed before October 1, 1974. * * *

(f) Each portable tank constructed and maintained in accordance with the requirements contained in this Subpart may continue in service until October 1, 1984.

§§ 98.35-3 and 98.35-10 [Amended]

9. By amending § 98.35-3(a) by adding the words "constructed before October 1, 1974," to follow the words "portable tanks".

10. By revoking and reserving § 98.35-10(e).

11. By revising § 98.35-25 to read as follows:

§ 98.35-25 Handling and stowage.

Each portable tank must be handled and stowed in accordance with the requirements contained in Subpart 98.30 of this part.

12. By revising § 98.35-30 to read as follows:

§ 98.35-30 Firefighting requirements.

The firefighting requirements are contained in §§ 98.30-37 and 98.30-39.

§§ 98.35-35 and 98.35-40 [Reserved]

13. By revoking and reserving §§ 98.35-35 and 98.35-40.

(R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c) (4))

Effective date. These amendments shall become effective on October 1, 1974.

Dated: June 19, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-14488 Filed 6-24-74; 8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Exemption Applications No. 15, No. 16, No. 17]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT RATES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemption for Carriage of Miscellaneous Cargoes Between Ports

Applications for amendments to and extension of the currently existing exemptions from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes transported between all ports in the contiguous continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand, and, on the other, the Arctic Coast of Alaska between Beechey Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean were published in the FEDERAL REGISTER on April 15 and May 7, 1974.

The applicants request that the present exemption be amended immediately to include all ports in the contiguous continental United States (not including the Mississippi River System above Baton Rouge, Louisiana). The exemption, as amended, will eliminate the current "liquid in bulk" restriction applicable to Puget Sound Tug and Barge Company in connection with Houston, Texas. It is further requested by the applicants that the exemption, as amended, be extended for an additional three-year period terminating with December 31, 1977.

The effect of such exemption would be a continuation of authority to provide transportation by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

Protests were received from the City of Long Beach, the Port of Oakland and Sea-Land Service, Inc. A satisfactory revision to the proposed exemption has eliminated the basis for protests as far as the City of Long Beach and the Port of Oakland are concerned.

The protest filed by Sea-Land Service, Inc. was received relative to the granting of the application. Sea-Land is concerned because it operates a land/water route between Seattle and Prudhoe Bay which may be competitive with the barge route for which exemption is sought. Sea-Land operates under joint through rates filed with a different regulatory agency over which this Commission has no effective control. It is not a direct vessel service such as proposed here and the cargo handled by Sea-Land is apparently limited, by the nature of Sea-Land's service, to containerizable cargoes. The barge service involved here is concerned primarily with bulk cargoes which do not lend themselves to containerization. The requirements of the shippers using the barge transportation appear to be radically different from the requirements of shippers who would choose to use the combination sea/water route of Sea-Land. Consequently, we do not think that the competition is significant. Sea-Land has not shown that the proposed exemption would be detrimental to the commerce nor that it would substantially impair effective regulation by the Commission or be unjustly discriminatory. If Sea-Land chooses to initiate a direct vessel service, such as has been proposed in this application, and the conditions are similar to the conditions set forth in the instant application, its application will expeditiously be handled and considered.

In April 1972, the Commission exempted for three years (the Commission granted yearly exemptions for the years 1970 and 1971), to and including December 31, 1974, the carriage of miscellaneous cargoes between Seattle, Washington and Houston, Texas, on the one hand, and Beechey Point and Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean, on the other. The exemption applies

specifically to Alaska Barge & Transport, Inc., Fos Alaska Line, Inc., Foss Launch & Tug Co., and Puget Sound Tug and Barge Company, except that it does not apply to liquid, in bulk, from or to Houston via Puget Sound Tug and Barge Company. The aforementioned carriers have now petitioned the Commission for an extension of the exemption to and including December 31, 1977 and have requested that the exemption be amended to (1) eliminate the bulk liquid exception from Houston; and (2) include all contiguous continental United States Ports (excluding ports in Mississippi River System above Baton Rouge, Louisiana) for the 1974 season.

The conditions under which the original exemptions were granted have not materially changed. Continuation of the exemptions, as amended, limited to an annual basis, will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 553 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a); Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by revising paragraph (c) to read as follows:

§ 531.26 Exemptions.

(c) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to direct transportation by water between ports in the contiguous continental United States (excluding ports in the Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska of miscellaneous cargoes (including liquid in bulk) provided by Foss Launch & Tug Co., Fos Alaska Line, Inc., Puget Sound Tug & Barge Company, and Alaska Barge & Transport, Inc. for a period commencing with the publication of this exemption in the FEDERAL REGISTER and ending with December 31, 1975. Any exemption granted to a specific carrier is applicable only to the so specified carrier and may not be used by another carrier, either by merger, change of name or adoption by another carrier. These exemptions will be subject to the submission of the following information 30 days after each voyage begins:

(1) Each contract of carriage entered into between the carriers and shippers, indicating the services provided by the carriers and the charges assessed;

(2) If not included in the contract furnished under subparagraph (1) of this paragraph, any contractual arrangements and charges therefor, for other services to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo;

(3) To the extent not included in subparagraphs (1) and (2) of this paragraph, any contractual arrangements for liability for loss or damage and responsibility for insurance coverage;

(4) An identification of all commodities carried, the tonnage for each commodity, and the names of shippers of each such commodity; and

(5) An indication of the amount of barge space contracted to each shipper, i.e., was the shipper chartered the full

reach of a barge or merely part capacity of a barge.

* * * * *

Effective date. The exemption granted herein supersedes and takes the place of the currently effective exemption and shall become effective on June 25, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-14527 Filed 6-24-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

MECHANICALLY HARVESTED AMERICAN (EASTERN TYPE) GRAPES FOR PROCESSING

Proposed United States for Grades

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing.¹ These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than December 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27 (b)).

Statement of considerations leading to the proposed issuance of the grade standards. Mechanical harvesting of grapes began in New York State in the middle 1960's. Since that time, growers in the principal producing States of New York, Pennsylvania, Michigan, Ohio, Arkansas and Washington have turned increasingly to mechanical harvesting because of every increasing labor problems and costs of hand picking. Currently more than ninety percent of the crop is machine harvested.

The United States Standards for American (Eastern Type) Bunched Grapes for Processing and Freezing provide that quality determination be made on a bunch basis and since machine harvesting results in shattered berries, i.e. berries completely removed from the bunch, the application of these stand-

ards would result in the entire crop failing to meet any grade.

In 1968 the U.S. Department of Agriculture, in cooperation with the States of New York and Pennsylvania, instituted a program whereby the grapes could be inspected before harvest. This was known as "Vineyard Grapemobile Inspection". It marked the first time that the Inspection Service had ever made quality determination of any product before harvest. This program offered many advantages to the grape industry. The most important being advance information as to quality and soluble solids before the product was brought to the plant. These advantages were soon nullified by the prohibitive cost of this program to the industry.

In 1969 the National Grape Cooperative Association, Inc. (Welch Foods, Inc.) requested that USDA develop standards for machine harvested grapes for processing. A study, in cooperation with National Grape and the Pennsylvania Federal-State Inspection Service, was started in 1969 at Welch Foods' Northeast, Pennsylvania plant. This study focused on determining the quality factors involved in mechanically harvested grapes. Harvesting, bulk bin handling and sampling practices were also studied. Part of the study was devoted to testing to establish a procedure for accurately determining the percentage of soluble solids in a load, soluble solids being the principal factor in determining the price the grower receives for his grapes. This study was the first step towards the development of standards that would be applicable to machine harvested grapes.

During subsequent harvesting seasons other studies were conducted in New York State, Arkansas, Michigan, and Washington State. In these studies various aspects of sampling and inspection were tried and either accepted as practical, rejected as unfeasible or modified.

In June of 1973 a study draft based on data compiled from the studies was prepared. This draft was used by Welch Foods, Inc. as the basis for contract specifications for the 1973 season. Data were collected in the five major growing areas during that season and was used in setting the tolerance levels in the proposed standards. In order to provide the industry ample time to study and apply these proposed standards, the period for submission of written comments will extend through the 1974 harvest season.

The proposed standards would provide the grape industry with standards

specifically designed for machine harvested grapes. They contain two grades setting minimum soluble solids requirements and tolerances for various quality factors.

The proposed standards are as follows:

Subpart—United States Standards for Grades of Mechanically Harvested American (Eastern Type) Grapes for Processing

GENERAL	
Sec.	General.
51.2150	General.
GRADES	
51.2151	U.S. No. 1.
51.2152	U.S. No. 2.
TOLERANCES	
51.2153	Tolerances.
DEFINITIONS	
51.2154	Mature.
51.2155	Fairly well matured.
51.2156	Foreign material.
51.2157	Damage.
51.2158	Serious damage.
51.2159	Classification of defects.

AUTHORITY: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.2150 General.

(a) These standards apply to American (Eastern Type) grapes which have been machine harvested and are to be processed.

(b) The grade of a lot of mechanically harvested grapes shall be determined on the basis of a composite sample drawn from bulk containers in the lot.

GRADES

§ 51.2151 U.S. No. 1.

"U.S. No. 1" consists of grapes and juice which meet the following requirements:

- (a) Basic requirements:
 - (1) Mature; and,
 - (2) Showing similar varietal characteristics.
- (b) Free from:
 - (1) Decay;
 - (2) Visible mold;
 - (3) Immature berries;
 - (4) Sunburn;
 - (5) Freezing;
 - (6) Attached insect or insect injury; and,
 - (7) Foreign material.
- (c) Free from damage by any cause. (See § 51.2158)
- (d) For tolerances. (See § 51.2153)

§ 51.2152 U.S. No. 2.

"U.S. No. 2" consists of grapes and juice which meet the requirements of the U.S. No. 1 grade except:

¹ Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

- (a) Berries shall be at least fairly well matured; and,
(b) Increased tolerances for defects.
(See § 51.2153.)

TOLERANCES

§ 51.2153 Tolerances.

- (a) No tolerance is provided in these standards for grapes which fail to meet the maturity requirement for the specified grade.
(b) In order to allow for variations incident to proper culture, harvesting and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are set forth in Table I.

TABLE I

	U.S. No. 1 percent (by weight)	U.S. No. 2 percent (by weight)
A. Total defects.....	10	10
1. Serious damage (in- cluded in "A").....	6	6
(a) Berries affected by mold or decay (in- cluded in "1").....	3	3
(b) Berry moth, other injury or attached in- sects (included in "1").....	1/2 of 1	1
B. Foreign material.....	3	4
1. Leaves, petioles or other plant parts (in- cluded in "B").....	3	4
2. Other foreign mate- rial (included in "B")..	1/2 of 1	1/2 of 1

DEFINITIONS

§ 51.2154 Mature.

"Mature" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 15.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2155 Fairly well matured.

"Fairly well matured" means that representative samples of grapes and juice from bulk containers in a lot shall test not less than 14.5 percent soluble solids, as determined by an approved hand refractometer.

§ 51.2156 Foreign material.

"Foreign material" means sticks, stones, leaves, petioles or other plant parts or other extraneous material.

§ 51.2157 Damage.

"Damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the processing quality of the grapes.

§ 51.2158 Serious Damage.

"Serious damage" means any specific defect described in § 51.2159, Table II; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the processing quality of the grapes.

§ 51.2159 Classification of defects.

TABLE II

Defects	Damage	Serious damage
Dried berries.	When berries are dry and shriveled to the extent that practically no moisture is present within the berries.	
Pulp discoloration.	When darker than plate 10.0 R 6/4 in the Munsell Book of Color.	When darker than plate 7.5 RP 3/4 in the Munsell Book of Color.
Sunburn.....	See serious damage.	When sunken, discolored and dried area caused by sunburn affects the skin or flesh of the grape.
Decay or mold.	do.....	Any visible decay or mold on the grape skin or penetrating the flesh.
Insects or insect injury.	do.....	Any insect injury penetrating the flesh or any insect attached to the grape.
Immature berries.	do.....	When berries are hard and green and generally small.

Dated: June 19, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-14478 Filed 6-24-74; 8:45 am]

[7 CFR Part 52]

FROZEN BROCCOLI

Proposed United States Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Frozen Broccoli (7 CFR, 52.631-52.642). This grade standard is issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624) which provides for the issuance of official U.S. grade standards to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of the applicant and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than November 30, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act,

or with applicable State laws and regulations.

Statement of consideration leading to the proposed revision. The American Frozen Food Institute formally requested the Department to revise the grade standards for frozen broccoli to convert them to attributes type standards.

Experience with the frozen asparagus grade standard, which was converted to the attributes approach effective April 8, 1970, indicated this statistical approach has proved satisfactory.

During a portion of the 1973 frozen broccoli season, a preliminary study was conducted in cooperation with the broccoli freezing industry to determine the applicability of the attributes approach for this product.

Incorporating the attributes approach in standards means these rules are followed:

(1) Any deviation from a specific requirement for any of the quality factors is a defect;

(2) Each defect is classified as to its relative severity as minor, major, severe, or critical;

(3) A standard sample unit size is provided for the various styles regardless of container size;

(4) Allowances for the various defect classifications are set to specific Acceptable Quality Levels (AQL's) based on this sample unit size;

(5) Allowances are cumulative for the sample instead of on an individual sample unit basis;

(6) Defects are counted and tallied according to class, thereby eliminating the need for calculating percentages;

(7) The scoring system is eliminated. Acceptance or rejection would be on a "go" or "no go" basis for each grade classification; and

(8) Specific requirements for compliance with a particular style are provided.

In response to the request of the American Frozen Food Institute to revise the frozen broccoli standards and in consideration of the favorable results of the aforementioned study and in recognition of the Institute's request for a more statistically sound approach to standardization, the Department herein proposes to revise the current frozen broccoli standards which have been in effect since April 14, 1962.

The USDA Photo-Guides illustrating various degrees of development and trim referenced in the proposal will be available for review in all the USDA Processed Products Inspection offices during the period of the proposal.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

- Sec.
52.631 Product description.
52.632 Styles.
52.633 Style classification and compliance.

DEFINITIONS OF TERMS

- 52.634 Definitions of terms.

SAMPLE UNIT SIZES

52.635 Sample unit sizes.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

52.636 Grades.

52.637 Factors of quality and grade compliance.

SAMPLE SIZES, METHOD OF ANALYSIS, AND LOT COMPLIANCE

52.638 Sample sizes.

52.639 Determining proportions of head material and leaf material.

52.640 Lot acceptance for style.

52.641 Lot acceptance for quality.

TALLY SHEET

52.642 Tally sheet.

AUTHORITY: Agricultural Marketing Act of 1946, Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)

PRODUCT DESCRIPTION, STYLES, AND STYLE COMPLIANCE

§ 52.631 Product description.

"Frozen broccoli" is the product prepared from the fresh, clean, sound stalks or shoots of the broccoli plant (*Brassica oleracea* [Italica group]) by trimming, washing, blanching, sorting, and properly draining. The product is frozen in accordance with good commercial practice and maintained at temperatures necessary for preservation of the product.

§ 52.632 Styles of frozen broccoli.

(a) "Spears" or "stalks" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging from not less than $3\frac{1}{2}$ inches to not more than 6 inches in length. Such spears or stalks may be cut longitudinally.

(b) "Short spears" or "florets" consist of the head and adjoining portions of the stem, with or without attached leaves, ranging in length from not less than 1 inch to less than $3\frac{1}{2}$ inches and weigh more than 0.2 ounce. Such short spears or florets may be cut longitudinally.

(c) "Cuts" consist of spears or stalks cut into portions ranging from $\frac{3}{4}$ inch or more but not more than 2 inches in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(d) "Chopped" consists of spears or stalks cut into portions predominately less than $\frac{3}{4}$ inch in length. This style contains not less than 25 percent, by weight, of head material and not more than 25 percent, by weight, of leaf material.

(e) "Pieces" consist of cut or chopped portions of spears or stalks not more than 2 inches in length which do not meet the requirements for "cuts" or "chopped" style.

§ 52.633 Style classification compliance.

(a) General. For the purpose of determining compliance with the require-

ments for the various style classifications, the following are considered as minor length defects and shall not exceed the acceptance numbers in Table I, II, or III, as applicable, for the style.

(1) "Spears" or "stalks"—units longer than $6\frac{1}{8}$ inches, or units shorter than $3\frac{3}{8}$ inches.

(2) "Short spears" or "florets"—units longer than $3\frac{5}{8}$ inches, or units shorter than $\frac{7}{8}$ inch.

(3) "Cuts"—units less than $\frac{1}{2}$ inch, or more than 2 inches in the longest dimension.

(4) "Chopped"—units more than $\frac{3}{4}$ inch in the longest dimension.

(b) For the styles of cuts and chopped, shattered head material and pieces of leaves are not considered as length defects.

TABLE I.—Spears; short spears, tolerances for style compliance

Number of sample units	Number of units	Maximum number defects permitted ¹
1	50	9
2	100	15
3	150	21
4	200	27
5	250	33
6	300	38
7	350	44
8	400	50
9	450	55
10	500	62
11	550	66
12	600	72
13	650	77
14	700	83
15	750	88
16	800	95
17	850	99
18	900	105
19	950	110
20	1,000	115
21	1,050	121
22	1,100	126
23	1,150	132
24	1,200	137

¹ Minor—AL value—11, AQL=10.0.

TABLE II.—Cuts, tolerances for style compliance

Number of sample units	Weight of product (ounces)	Maximum number defects permitted ¹
1	10	16
2	20	28
3	30	41
4	40	53
5	50	65
6	60	77
7	70	88
8	80	100
9	90	112
10	100	124
11	110	135
12	120	147
13	130	158
14	140	170
15	150	181
16	160	192
17	170	204
18	180	215
19	190	227
20	200	238
21	210	249

¹ Minor—AL value—20, AQL=18.0. Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE III.—Chopped, tolerances for style compliance

Number of sample units	Weight of product (ounces)	Maximum number defects permitted ¹
1	10	23
2	20	43
3	30	62
4	40	81
5	50	99
6	60	118
7	70	136
8	80	154
9	90	172
10	100	191
11	110	209
12	120	226
13	130	244
14	140	262
15	150	280
16	160	298
17	170	316
18	180	334
19	190	351
20	200	369
21	210	387

¹ Minor—AL value—28, AQL=8.5. Based on an estimated count of 20 per ounce of product exclusive of chaff.

DEFINITION OF TERMS

§ 52.634 Definition of terms.

(a) Absolute limit (AL): Limit for maximum number of defects permitted in a sample unit.

(b) Acceptable Quality Level (AQL): Acceptable Quality Level (AQL) is the maximum percent defective, or the maximum number of defects per hundred units, that, for purposes of sampling inspection, can be considered satisfactory as a process average.

(c) Blemished: A unit of broccoli that is blemished by pathological injury, hollow stems, pithy stems, insect injury, or discolored by other means to the extent that the appearance or eating quality is adversely affected:

- (1) Not more than slightly;
- (2) Materially; or
- (3) Seriously.

(d) Broken in the styles of spears or short spears means any broken or detached portions, other than loose leaves or portions thereof, which weigh more than 0.2 ounce and are definitely not intact units.

(e) Color. (1) Good color. The outside of the stalk is a bright, distinct green. The top of the head is a bright, distinct green and may show a slight purplish cast. Such color may also include lighter colored areas on the outside of the head typical of young and tender broccoli.

(2) Reasonably good color. The outside of the stalk may be dull and may possess a slight brownish, yellowish, or grayish cast. The head may be dull and possess a slight brownish, grayish, or yellowish cast and/or yellow buds due to flowering or small orange or yellowish-orange buds that do not seriously affect the color appearance.

(3) Poor color. The presence of yellow buds due to flowering or small orange or yellowish-orange buds and/or any brownish, grayish, or yellowish casts that

seriously affect the color appearance of the broccoli unit.

(f) **Damage:** A spear or short spear on which the head is damaged by mechanical injury, other than "broken," to the extent that the appearance or eating quality is materially affected.

(g) **Defect:** Any specifically defined variation from a particular requirement. "Defects" are classified as "minor," "major," "severe," or "critical."

(h) **Detached fragments:** In the styles of spears and short spears a detached fragment is any small piece or detached portion other than loose leaves or portions thereof, which weigh 0.2 ounce or less.

(i) **Development:**

(1) **Well developed—**(i) *Spears and short spears.* (a) The spreading of the branching bud clusters which comprise the head of the unit does not materially affect the appearance of the unit; and (b) The broccoli is in the early stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 1, 2, and 3.

(ii) *All styles.* The individual buds are all practically closed and are not more than slightly enlarged.

(2) **Reasonably well developed—**(i) *Spears and short spears.* (a) The spreading of the branching bud clusters which comprise the head of the unit does not seriously affect the appearance of the unit; and

(b) The broccoli is in the intermediate stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a reasonably compact bud cluster, as illustrated by USDA Photo-Guides for Evaluating Maturity and Development in Frozen Broccoli Nos. 4, 5, 6, 7, and 8.

(ii) *All styles.* The individual buds are not more than moderately enlarged and practically none of the individual buds are in the flowered stage.

(3) **Poorly developed—**(i) *Spears and short spears.* (a) The branching bud clusters which comprise the head of the unit may be spread to the extent that the appearance of the unit is seriously affected; and

(b) The broccoli is in the advanced stage of maturity such that the individual buds and the immediate stems supporting the individual buds form a loosely structured bud cluster.

(ii) *All styles.* The individual buds are in the flowered stage or are more than moderately enlarged with or without reaching the flowered stage.

(j) **Deviant.** As applied to these standards, "deviant" means a sample unit which fails the requirements for one or more of the prerequisite quality factors specified in § 52.636 by not more than one grade below the intended grade.

(k) **Diameter.** The diameter of a spear

is the greatest dimension at approximate right angles to the longitudinal axis of the spear approximately 1 inch from the base end.

(l) **Extraneous vegetable material:**

(1) **Class 1.** Tender, green blades of grass or weeds or leaves which are harmless.

(2) **Class 2.** Coarse blades of grass or weeds or leaves which may or may not be tender or green and which are harmless.

(m) **Fiber.** Fiber that is developed near the outside portion of the broccoli stem that is tough and/or woody.

(n) **Flavor and odor:**

(1) **Good flavor and odor.** The product has a good characteristic flavor and odor and is free from objectionable flavors or objectionable odors of any kind.

(2) **Fairly good flavor and odor.** The product may be lacking in good flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

(o) **Head material:** "Head material" in the styles of cuts and chopped consists of buds or bud clusters whether or not attached to a portion of a spear and includes the fine stem material to which buds or bud clusters are attached to the main stem.

(p) **Leaf material:** "Leaf material" in the styles of cuts, chopped, and pieces means any portion of a leaf whether or not attached to a portion of a spear.

(q) **Loose leaves or pieces of leaves:** Broccoli leaves or pieces of leaves in the styles of spears and short spears not attached to a unit.

(r) **Sample:** The number of sample units to be used for inspection.

(s) **Sample unit:** The amount of product specified to be used for inspection. It may be:

(1) The entire contents of a container; or

(2) A portion of the contents of a container; or

(3) A combination of the entire or partial contents of two or more containers; or

(4) A portion of unpacked product.

(t) **Trim:**

(1) "Well trimmed" (spears; short spears only) means that the appearance of the unit is not materially affected by the presence of attached leaves or pieces of leaves and not more than slightly affected by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem, as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(2) "Reasonably well trimmed" (spears; short spears only) means that the appearance of the unit is not seriously affected by the presence of attached leaves or pieces of leaves and not materially affected by ragged or partial removal of leaves or small side shoots or by poor cutting of the stem as illustrated by USDA Photo-Guides for illustrating Trimming in Frozen Broccoli.

(3) "Poorly trimmed" (spears; short spears only) means that the appearance of the unit is seriously affected by the presence of attached leaves or pieces of leaves, by ragged or partial removal of leaves or small side shoots, or by poor cutting of the stem as illustrated by USDA Photo-Guides for Illustrating Trimming in Frozen Broccoli.

(u) **Unit:** Any individual portion of broccoli other than loose leaves or individual buds.

SAMPLE UNIT SIZES

§ 52.635 Sample unit sizes.

(a) For head material and leaf material.

(1) Cuts—10 ounces (283 grams) of product.

(2) Chopped—1¼ ounces (50 grams) of product.

(b) For style (other than head material and leaf material) and quality factors.

(1) Spears; short spears—50 units.

(2) Cuts; chopped; pieces—10 ounces (283 grams) of product.

Broken, crushed, or similarly damaged portions of units of product in the styles of spears and short spears are reassembled and included in the count as whole units. Head and leaf material in the styles of cuts and chopped, loose leaves or pieces in the styles of spears and short spears, and extraneous material in all product styles associated with the sample unit are part of the standard sample unit size. They are not included in the count of spears and short spears but are included in the weight of cut and chopped broccoli; "associated" means in the same container when the container is one of several used to compose the sample unit and all of the product in it is included in the standard sample unit size. When only a portion of the last one of several containers is included in the standard sample unit size, all of the pieces and extraneous material in the container are considered associated with the portion taken as a sample unit if such portion is 50 percent or more of the contents of the container. None of the pieces and extraneous material are taken if less than 50 percent of the contents is used as a sample unit. If all of a standard sample unit includes only a portion of the contents on one container, the "associated" material is that material in physical juxtaposition to the representative portion of product taken from the contents.

GRADES, FACTORS OF QUALITY, AND GRADE COMPLIANCE

§ 52.636 Grades.

(a) U.S. Grade A (or U.S. Fancy) is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

PROPOSED RULES

TABLE IV—Classification of Defects

(ii) Has a good flavor and odor;
(iii) Is practically free from grit or silt;

(iv) Has a good, bright, overall color appearance;

(v) With respect to the styles of cuts, chopped, and pieces; has individual buds that are at least reasonably well developed; and

(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(b) U.S. Grade B (or U.S. Extra Standard) is the quality of frozen broccoli that:

(1) Meets the following prerequisites (with deviants as specified in § 52.641 (a));

(i) Has similar varietal characteristics;

(ii) Has at least a fairly good flavor and odor;

(iii) Has no more than a trace of grit or silt;

(iv) Has at least a reasonably good overall color appearance which may be slightly dull;

(v) With respect to the styles of cuts, chopped, or pieces; may have poorly developed buds that do not materially affect the appearance of the product; and

(2) Meets requirements for the various quality factors in Table V, VI, or VII as applicable for the style.

(c) Substandard is the quality of frozen broccoli that fails to meet the requirements for U.S. Grade B.

§ 52.637 Factors of quality and grade compliance.

(a) The grade of a lot of frozen broccoli is based on compliance with the prerequisites specified in § 52.636 and with requirements for the following quality factors:

- (1) Color;
- (2) Uniformity of size;
- (3) Detached fragments;
- (4) Loose leaves or pieces of leaves;
- (5) Damaged; broken; blemished;
- (6) Trimming, with respect to the styles of spears and short spears;
- (7) Development;
- (8) Fiber; and
- (9) Harmless extraneous material.

Quality factor	Defect	Classification			
		Minor	Major	Severe	Critical
Color	Spears and short spears: Reasonably good (in grade A only).		X		
	Poor				X
Uniformity of size	Spears: Length variation—greater than $\frac{3}{4}$ in.		X		
	Diameter variation—greater than $\frac{3}{4}$ in.	X			
	Short spears: Weight variation—largest unit is 4 times or more greater than smallest unit.	X			
Detached fragments	Spears and short spears: Each 1.0 oz. or fraction thereof in increments of at least 0.5 oz.		X		
Loose leaves and pieces of leaves	Spears and short spears: Each 0.5 oz. or fraction thereof in increments of at least 0.2 oz.	X			
Broken	Spears and short spears	X			
Damaged	Mechanical or other means	X			
Blemished	Units adversely affected:				
	More than slightly	X			
	Materially		X		
	Seriously			X	
Trim	Spears and short spears:				
	Reasonably well (in grade A only)	X			
	Poorly:				
	In grade A		X		
	In grade B	X			
Development	Spears and short spears:				
	Reasonably well in (grade A only)	X			
	Poorly		X		
Fiber	All styles:				
	Not woody		X		
	Woody			X	
Harmless extraneous material	Spears and short spears:				
	Class 1 (each piece)			X	
	Class 2 (each piece)				X
	Cuts, chopped, pieces:				
	Class 1—each 1 in. or fraction thereof			X	
	Class 2—each 1 in. or fraction thereof				X

TABLE V.—Grade compliance; spears; short spears

		Grade A				Grade B			
AQL.....		20.0	6.5	0.65	0.30	25.0	10.0	2.5	0.65
Absolute limit (AL).....		20.0	9.0	3	2	24.0	12.0	5.0	3
Number of sample units	Number of short spears	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	50	15	6	1	0	18	9	3	1
2	100	27	11	2	1	33	15	5	2
3	150	39	15	3	1	48	21	7	2
4	200	50	19	3	2	62	27	9	3
5	250	62	23	4	2	75	33	10	4
6	300	73	27	4	3	89	39	12	4
7	350	84	31	5	3	103	45	14	5
8	400	95	34	5	3	116	50	15	5
9	450	105	38	6	3	130	56	17	6
10	500	116	42	6	4	143	62	18	6
11	550	127	46	7	4	157	67	20	7
12	600	138	49	7	4	170	73	21	7
13	650	149	53	8	4	183	78	23	8
14	700	159	57	8	5	197	84	24	8
15	750	170	60	9	5	210	89	26	9
16	800	181	64	9	5	223	95	27	9
17	850	191	67	10	5	236	100	29	10
18	900	202	71	10	6	250	105	30	10
19	950	213	75	10	6	263	111	32	10
20	1,000	223	78	11	6	276	116	33	11
21	1,050	234	82	11	6	289	122	35	11

¹ Total equals minor plus major plus severe plus critical.

TABLE VI—Grade Compliance; Cuts; Pieces

AQL ² Absolute limit (AL)	Grade A					Grade B			
	8.5 18.	2.0 5.	0.65 3	0.30 2	20.0 34.0	4.5 11.0	1.0 5.0	0.65 4	
Number of sample units	Weight of product (ounces)	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	10	13	4	2	1	27	8	3	2
2	20	24	7	3	2	50	14	4	3
3	30	34	10	4	3	73	20	6	4
4	40	44	13	5	3	95	25	7	5
5	50	53	15	6	4	118	30	9	6
6	60	63	18	7	4	138	36	10	7
7	70	72	20	8	5	159	41	11	8
8	80	81	23	9	5	181	46	13	9
9	90	91	25	10	6	202	51	14	10
10	100	100	27	11	6	223	56	15	11
11	110	109	30	12	6	244	61	17	12
12	120	119	32	12	7	266	66	18	12
13	130	128	34	13	7	287	71	19	13
14	140	137	37	14	8	308	76	20	14
15	150	146	39	15	8	329	81	21	15
16	160	155	41	16	9	349	86	23	16
17	170	164	44	17	9	370	91	24	17
18	180	173	46	17	9	390	96	25	17
19	190	182	48	18	10	412	101	26	18
20	200	191	50	19	10	433	105	27	19
21	210	200	53	20	11	454	110	29	20

¹ Total equals minor plus major plus severe plus critical.

² Based on an estimated count of 6 per ounce of product exclusive of chaff.

TABLE VII—Grade compliance; chopped

AQL ¹ Absolute limit (AL)	Grade A				Grade B					
	5.0 12.0	1.5 6.0	0.65 4	0.30 2	10.0 20.0	3.0 9.0	1.0 5.0	0.65 4		
	Number of sample units	Weight of product	Total ¹	Major	Severe	Critical	Total ¹	Major	Severe	Critical
1	10	9	4	2	1	15	6	3	2	
2	20	15	6	3	2	27	10	4	3	
3	30	21	8	4	3	39	14	6	4	
4	40	27	10	5	3	50	18	7	5	
5	50	33	12	6	4	62	21	9	6	
6	60	39	14	7	4	73	25	10	7	
7	70	45	16	8	5	84	29	11	8	
8	80	50	18	9	5	95	32	13	9	
9	90	56	20	10	6	105	36	14	10	
10	100	62	21	11	6	116	39	15	11	
11	110	67	23	12	6	127	42	17	12	
12	120	73	25	12	7	138	46	18	12	
13	130	78	27	13	7	149	49	19	13	
14	140	84	29	14	8	159	53	20	14	
15	150	89	30	15	8	170	56	21	15	
16	160	95	32	16	9	181	59	23	16	
17	170	100	34	17	9	191	63	24	17	
18	180	105	36	17	9	202	66	25	17	
19	190	111	37	18	10	213	69	26	18	
20	200	116	39	19	10	223	73	27	19	
21	210	122	41	20	11	234	76	29	20	

¹ Total equals minor plus major plus severe plus critical.

² Based on an estimated count of 20 per ounce of product exclusive of chaff.

LOT COMPLIANCE

§ 52.638 Sample size.

(a) *Lot Inspection.* The sample size to determine compliance with requirements for style in the case of spears and short spears, and for prerequisites specified in § 52.636 and other quality factors, shall be as specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and Vegetables and Related Products" (§ 52.1-52.83).

(b) *On-Line Inspection.* (1) *Normal production rate.* The sample size to determine compliance with requirements for spears and for prerequisites specified in § 52.636 and other quality factors, is based on a sampling frequency of one sample unit approximately every 45 minutes during production, but in no case shall be less than three sample units.

(2) *Slow production rate.* When the production rate is the equivalent of ap-

proximately 400 cases or less (up to one pound containers—24 per case) in a basic grading period, the sample size to determine compliance with requirements for style in the case of spears and short spears and for prerequisites specified in § 52.636 and other quality factors is based on a sampling frequency of one sample unit approximately every two hours during production, but in no case shall be less than three sample units.

(c) *Deviant.* The acceptance numbers for deviants specified in the sampling plans cited in paragraph (a) of this section applies only to the prerequisite factors specified for the grade in § 52.636. They do not apply to the quality factors covered by the sampling plans in § 52.637.

§ 52.639 Determining proportions of head material and leaf material.

(a) *Method.* The percent, by weight, of head material, loose leaves or portions

thereof in cut and chopped broccoli may be determined as follows:

(i) *Equipment needed.* (i) 250 ml beaker.

(ii) Gram scale, or other suitable scale graduated to 0.1 ounce.

(iii) Laboratory tweezers, scalpel, or other instrument suitable for separating the stem material, leaf material, and head material.

(iv) Flat grading tray.

(2) *Procedure.* (i) Thoroughly mix sample unit to be tested if sample unit is not the entire contents of the container.

(ii) Weigh approximately 50 grams (1.76 ounces) in the case of chopped product in a previously tared 250 ml beaker.

(iii) In the case of cut style weigh 283.5 grams (10 ounces) of product in a suitable previously tared container.

(iv) Spread the weighed product out on a flat grading tray.

(v) Separate the stem material from the head and leaf material; weigh the stem material, and record.

(vi) Separate the leaf material from the head material; weigh each separately and record.

(vii) The weight of the head material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of head material.

(viii) The weight of leaf material divided by the sum of the weights of the stem, head, and leaf materials multiplied by 100 is the percent, by weight, of leaf material.

§ 52.640 Lot acceptance for style.

(a) *Spears; short spears.* A lot of frozen broccoli is considered as meeting the style requirements for spears or short spears, as applicable, if the defects permitted and the AL value specified in Table I are not exceeded.

(b) *Cuts; chopped.* (1) A lot of frozen broccoli is considered as meeting the style requirements for cuts or chopped for head material and leaf material; *Provided, That:*

(i) The average of all the sample units in the sample does not exceed 25 percent, by weight, of leaf material; and

(ii) The average of all the sample units in the sample is not less than 25 percent, by weight, of head material; and

(iii) No single sample unit contains less than 15 percent, by weight, of head material, or more than 25 percent, by weight, of leaf material.

(2) *Length.* The AL values and/or the cumulative acceptance numbers for the defects permitted, specified in Table II or III as applicable, are not exceeded.

§ 52.641 Lot acceptance for quality.

A lot of frozen broccoli is considered as meeting the requirements for quality if:

(a) The number of deviants for the prerequisites specified for the applicable grade in § 52.636 does not exceed the acceptance number specified in the sampling plans in the "Regulations Governing Inspection of Processed Fruits and

Vegetables and Related Products" (§§ 52.1-52.83); and

(b) The AL values and/or the cumulative acceptance numbers for the defects permitted for the applicable defects

classifications specified in Tables V, VI, and VII are not exceeded.

TALLY SHEET

§ 52.642 Tally sheet.

Defect tally for frozen broccoli

Number, size, and kind of container

Label

Container mark

Net weight

Sample unit No.

Prerequisite grade

Reason downgraded

Defect	Minor	Major	Severe	Critical	Minor	Major	Severe	Critical
Color								
Uniformity of size								
Detached fragments								
Leaves, loose and pieces								
Damage:								
Broken								
Blemished								
Mechanical & other								
Trimming:								
Reasonably well								
Poorly								
Development:								
Reasonably well								
Poorly								
Fiber								
Harmless extraneous material								
Total (each class)								
Cumulative total (each class)								
Total (all classes)								
Cumulative total (all classes)								
Style								
Total								
Cumulative total								

Dated: June 14, 1974.

Administrator,
Agricultural Marketing Service,
E. L. PETERSON,

[FR Doc.74-14249 Filed 6-24-74; 8:45 am]

[7 CFR Part 980]

ONION IMPORTS

Proposed Establishment of Minimum Quality Requirements

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed

in quadruplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than July 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposal is as follows:

§ 980.113 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 18, 1974, and continuing through April 30, 1975, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size and maturity requirements.*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for in-

spection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice
All Texas points...	L. M. Danbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4081 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1014, Nogales, Ariz. 85621 (Phone 602-287-2002).	Do.
All California points.	D. F. Thompson, 784 South Central Ave., Room 266, Los Angeles, Calif. 90021 (Phone 213-622-8766).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawa Substation, 1428 South King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	Darrell G. McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2230 or 4116).	2 days.
New York City...	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans.....	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
All Florida points.	Hubert S. Flynt, P.O. Box 20194, Orlando, Fla. 32814 (Phone 305-894-5111).	Do.
All other points....	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-8870).	3 days.

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- The date and place of inspection;
- The name of the shipper, or applicant;
- The commodity inspected;
- The quantity of the commodity covered by the certificate;
- The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-14521 Filed 6-24-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 124]

[CGD 73-253 P]

EXPLOSIVES OR CERTAIN SPECIFIED DANGEROUS CARGOES

Proposed Advance Notice of Arrival of Laden Vessels

The Coast Guard is considering amending the list of dangerous cargoes involving particular hazards.

Section 124.14(b)(1) lists those dangerous cargoes which are considered to involve particular hazards when transported on vessels or handled on waterfront facilities in bulk quantities. Newly developed chemicals and increased knowledge of the characteristics of previously existing chemicals indicate a need for revising the present list of cargoes of particular hazard.

Interested persons may participate in this proposed rulemaking by submitting written data, views or arguments to the Coast Guard (G-CMC/82) Washington, DC 20590. Each person submitting comments should identify the notice number (CGD 73-253 P), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commenter. All comments received by August 8, 1974, will be fully considered and evaluated before final action is taken on this proposal.

Copies of all written communications received will be available for examination by interested persons in Room 7315, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in light of the comments received.

In consideration of the foregoing, it is proposed to amend Part 124 of Title 33 of the Code of Federal Regulations by revising § 124.14(b)(1) to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

(b)(1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde
Acetone Cyanohydrin
Acrolein
Acrylonitrile
Allyl chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethylamine
Ethyl Ether
Hydrofluoric Acid, aqueous (70 percent)
Hydrogen Chloride, anhydrous
Hydrogen Fluoride, anhydrous
Methane
Methyl Acetylene, Propadiene Mixture, stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds containing Lead Alkyls
Oleum
Phosphorus, elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride

(5 U.S.C. 191, 49 USC 1655 (b); E.O. 10173, 10277, 10352; 49 CFR 1.46(b))

Dated: June 11, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

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Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NW-12]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Astoria, Oregon, Control Zone.

Interested persons may participate in the proposed rule making by submitting