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[FR Doc. 82-13197 Filed 5-14-82; 8:45 am]

**BILLING CODE 4130-01-M**



# United States Federal Register

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Monday  
May 17, 1982

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## Part III

### Department of Transportation

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#### Coast Guard

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#### Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 46 CFR Parts 30, 91, and 153

[CGD 78-128]

## Safety Rules for Self-Propelled Vessels Carrying Hazardous Liquids

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** This Amendment revises the safety rules for self-propelled vessels carrying hazardous liquids. It adds to the list of cargoes regulated under Part 153 and includes carriage requirements for these new cargoes. It corrects editorial errors, clarifies provisions that are confusing, deletes provisions that are impractical, and adds a number of new provisions. In general, the changes are in keeping with comparable standards adopted by IMCO in the eighth set of amendments to the IMCO Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IMCO Chemical Code), Resolution A.212. Finally, the rule updates the addresses of the Coast Guard Merchant Marine Technical Offices found in Part 91.

**DATE:** This Amendment is effective on July 16, 1982.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Commander James W. Gormanson, Office of Merchant Marine Safety (G-MHM-1/14), Room 1405, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, (202-426-1217).

**SUPPLEMENTARY INFORMATION:** On July 17, 1980, the Coast Guard published a proposal in the *Federal Register* (45 FR 48058) to revise the regulations governing self-propelled vessels carrying certain bulk hazardous liquid cargoes.

Interested persons were given an opportunity to submit written comments to the Coast Guard concerning the proposal until September 2, 1980. The Coast Guard announced in the *Federal Register* dated August 31, 1981 (46 FR 43789) that the final wording of CGD 78-128 would be discussed at a public meeting of the Chemical Transportation Advisory Committee's (CTAC) Chemical Vessels Subcommittee. The meeting was held at U.S. Coast Guard Headquarters in Washington, D.C., on October 7, 1981. A copy of the meeting minutes and the tape recording of the meeting have been placed in the public docket. A discussion of comments received is contained in the following paragraphs.

## Drafting Information

The principal persons involved in drafting this proposal are: Lieutenant Commander James W. Gormanson, Project Manager, Office of Merchant Marine Safety and Michael N. Mervin, Project Attorney, Office of the Chief Counsel.

## Discussion of Comments on Specific Sections

*Section 91.55-15 Procedures for submittal of plans.* The Coast Guard closed the 5th Coast Guard District (mmt) office effective July 1, 1981. Accordingly, its functions have been assumed by the 3rd Coast Guard District (mmt) office.

*Section 153.2 Definitions.* One comment recommended that the definition of "Cargo Area" in the rule correspond to the definition adopted for tankers in 46 CFR 30.10-5a. The Coast Guard has added a definition of "Cargo Area" in this rule to clear up confusion which has occurred in interpreting the definition in 46 CFR 30.10-5a. The definition conforms with that contained in the IMCO Chemical Code and should serve to clarify the intent of the requirements contained in this part.

The proposed definition of "emergency overflow device" was found to be ambiguous and has been deleted. A new definition of "independent," as applies to § 153.408, has been added. (See the discussion under § 153.408.)

*Table I—Table of Minimum Requirements; Sections 153.555 Special requirements for inorganic acids; 153.600 Special requirements for nitropropane; 153.963 Incompatible cargoes; and 153.1055 Nitropropane.* One comment suggested that the I-B electrical hazard class and group assigned to hydrochloric acid was unnecessarily restrictive since it is normally carried in rubber lined equipment. The Coast Guard assigned hydrochloric acid and other inorganic acids to hazardous atmosphere group I-B as a result of the reevaluation of the potential for hydrogen generation associated with the carriage of inorganic acids. The accumulation of hydrogen gas in deck areas is not considered a major problem due to its low density and relatively low evolution rate. Of primary concern, however, is the possibility of acid leaking into a void or other enclosed space where hydrogen would be generated and could accumulate in hazardous concentrations. Section 153.555 previously prohibited electrical equipment in enclosed compartments adjacent to or containing cargo tanks for inorganic acids. This rulemaking relaxes § 153.555 by deleting § 153.555(b) of the

existing rule. Electrical equipment, that is safe in an atmosphere containing hydrogen and conforms to requirements in Subchapter J, may be used in enclosed spaces within the containment area. The Coast Guard is adding footnote 10 to table I which eliminates the inorganic acid I-B electrical hazard classification for weather deck locations. Subchapter J was recently revised to incorporate this exception for inorganic acids. This revision was published in the *Federal Register* on April 8, 1982. This relaxation is consistent with the international proposal for inorganic acids which is to be included in the IMCO Chemical Code. It also gives the owner/operator of a vessel the option to install I-B or no electrical equipment and still comply with Subchapter J.

The electrical hazard classifications for carbon disulfide, diethylethanolamine, dimethylethanolamine, and ethylene chlorohydrin have been corrected to reflect the current National Academy of Science (NAS) electrical hazard classifications. The electrical hazard classifications and special requirements for some of the new cargoes being added to table I have been corrected to conform to the NAS electrical hazard classifications and IMCO Chemical Code requirements.

Electrical installations for cargoes assigned new or revised electrical hazard classifications and groups should be completed at the first drydock examination or no later than two years from the effective date of these regulations. Footnote 12 has been added to those cargoes affected.

The Coast Guard received data from industry indicating that copper and copper alloys do not corrode significantly as a result of prolonged exposure to ethylene dichloride or styrene. The reference to § 153.236(b) for ethylene dichloride and styrene has been deleted by this rule. This will allow vessels having copper or copper alloy components in their cargo containment systems to be certified to carry ethylene dichloride and styrene. The Coast Guard will address IMCO concerning this issue in the future.

Four cargoes, vinyl acetate, vinyl ethyl ether, vinylidene chloride and vinyl toluene, were inadvertently left out of the NPRM and have been assigned § 153.1002 (a) and (b) as a special requirement in table I.

The Coast Guard has reevaluated the hazards of 1- or 2-Nitropropane and is relaxing the carriage requirements to be equivalent to be IMCO requirements. Accordingly, the special requirements

for nitropropane found in §§ 153.600 and 153.1055 are being deleted.

As discussed in the NPRM extensive revisions were proposed to table I. To ensure that table I is correct, a revised table is being promulgated in its entirety. The revised carriage requirements for a number of cargoes and new cargoes in the revised table include:

(1) The cargo name entry in table I of this part for "1,1- or 1,2-Dichloropropane" is amended to read "1,1-, 1,2- or 1,3-Dichloropropane."

(2) The table I column entries for propylene oxide are amended to read as follows:

| Cargo name ***   | Vent height *** | Special requirements                      |
|------------------|-----------------|-------------------------------------------|
| Propylene oxide* | B/3             | 252, 408, 440, 500, 526, 530, 1010, 1011. |

(3) The table I column entry under "Fire protection system" is amended to read "NSR" for the following cargoes:

|                              |                           |
|------------------------------|---------------------------|
| Carbon tetrachloride         | Pentachloroethane         |
| Caustic potash solution      | Phosphoric acid           |
| Caustic soda solution        | Sodium hydrosulfide       |
| Chloroform                   | solution (45 pct or less) |
| Chlorosulfonic acid          | Sodium hypochlorite       |
| Dichloromethane              | solution (15 pct or less) |
| Ethylene dibromide           | Sulfur (liquid)           |
| Hydrochloric acid            | Sulfuric acid             |
| Nitric acid (70 pct or less) | 1,1,2,2-Tetrachloroethane |
| Oleum                        |                           |

(4) ".316" is added in proper numerical sequence to the "Special requirements" column of table I for "(iso-, n-, sec-, tert-) Butylamine."

(5) ".336" is deleted from the "Special requirements" column of table I for the following cargoes:

|                         |                           |
|-------------------------|---------------------------|
| Acetonitrile            | Crotonaldehyde            |
| Acrylonitrile           | Epichlorohydrin           |
| Allyl alcohol           | Ethylene chlorohydrin     |
| Allyl chloride          | (ortho-, para-)           |
| Aniline                 | Nitrotoluene              |
| Benzyl chloride         | Oleum                     |
| (iso-, n-, sec-, tert-) | Pentachloroethane         |
| Butylamine              | 1,1,2,2-Tetrachloroethane |
| Chloroprene             |                           |

(6) ".440" is added in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

|                 |                     |
|-----------------|---------------------|
| Ethyl ether     | Vinyl ethyl ether   |
| Isoprene        | Vinylidene chloride |
| Sulfur (liquid) |                     |

(7) ".527" is added in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

|                     |                         |
|---------------------|-------------------------|
| Acetic acid         | Allyl alcohol           |
| Acetic anhydride    | Allyl chloride          |
| Acetone cyanohydrin | Benzyl chloride         |
| Acrylonitrile       | (iso-, n-, sec-, tert-) |

|                                |                              |
|--------------------------------|------------------------------|
| Butylamine                     | Formaldehyde solution        |
| Carbon disulfide               | (37 to 50 pct)               |
| Chloroform                     | Formic acid                  |
| Chloroprene                    | Hydrochloric acid            |
| Chlorosulfonic acid            | Methyl acrylate              |
| Crotonaldehyde                 | Motor fuel anti-knock        |
| 1,1-Dichloroethane             | compounds (containing        |
| 1,3-Dichloropropene            | lead alkyls)                 |
| Diethylamine                   | Nitric acid (70 pct or less) |
| Diisopropylamine               | Oleum                        |
| Dimethylamine (40 pct or less) | Propionic acid               |
| Epichlorohydrin                | Toluene diisocyanate         |
| Ethyl acrylate                 | Triethylamine                |
| Ethylene chlorohydrin          | Vinylidene chloride          |
| Ethylene dibromide             | Vinyl ethyl ether            |
| Ethyl ether                    |                              |

(8) ".602" is added in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

|                     |                      |
|---------------------|----------------------|
| Chlorosulfonic acid | Sulfuric acid        |
| Oleum               | Toluene diisocyanate |

(9) ".912(a)" is changed to read ".912(a)(1)" in the "Special requirements" column of table I for the following cargoes:

|                           |                         |
|---------------------------|-------------------------|
| Acrylic acid              | 2-Hydroxyethyl acrylate |
| Acrylonitrile             | Isoprene                |
| (iso-, n-) Butyl acrylate | Methyl acrylate         |
| Butyl methacrylate        | Methyl methacrylate     |
| Chloroprene               | (alpha-) Methyl styrene |
| (iso-, n-) Decyl acrylate | Vinyl acetate           |
| Ethyl acrylate            | Vinylidene chloride     |
| 2-Ethylhexyl acrylate     | Vinyl ethyl ether       |
| Ethyl methacrylate        | Vinyl toluene           |

(10) ".912(b)" is changed to read ".912(a)(2)" in the "Special requirements" column of table I for the following cargoes:

|                     |                 |
|---------------------|-----------------|
| Acetone cyanohydrin | Tetrahydrofuran |
| Benzyl chloride     |                 |

(11) ".1002 (a), (b)" is added in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

|                           |                         |
|---------------------------|-------------------------|
| (iso-, n-) Butyl acrylate | Isoprene                |
| Butyl methacrylate        | Methyl acrylate         |
| Chloroprene               | Methyl methacrylate     |
| (iso-, n-) Decyl acrylate | (alpha-) Methyl styrene |
| Ethyl acrylate            | Vinyl acetate           |
| 2-Ethylhexyl acrylate     | Vinyl ethyl ether       |
| Ethyl methacrylate        | Vinylidene chloride     |
| 2-Hydroxyethyl acrylate   | Vinyl toluene           |

(12) ".1002" is added in proper numerical sequence to the "Special requirements" column in table I for "Acetone cyanohydrin."

(13) ".1002(a)" is added in proper numerical sequence to the "Special requirements" column in table I for "Acrylic acid."

(14) ".1004" is added in proper numerical sequence to the "Special requirements" column of table I for the following cargoes:

|                           |                           |
|---------------------------|---------------------------|
| Acetone cyanohydrin       | (iso-, n-) Decyl acrylate |
| Acrylic acid              | Ethyl acrylate            |
| Acrylonitrile             | 2-Ethylhexyl acrylate     |
| Benzyl chloride           | Ethyl methacrylate        |
| (iso-, n-) Butyl acrylate | 2-Hydroxyethyl acrylate   |
| Butyl methacrylate        | Isoprene                  |
| Chloroprene               | Methyl acrylate           |

|                         |                     |
|-------------------------|---------------------|
| Methyl methacrylate     | Vinylidene chloride |
| (alpha-) Methyl styrene | Vinyl ethyl ether   |
| Tetrahydrofuran         | Vinyl toluene       |
| Vinyl acetate           |                     |

(15) The entries under "Special requirements" column of table I for the cargoes listed below are revised to read as follows:

| Cargo name                                                          | Special requirements                |
|---------------------------------------------------------------------|-------------------------------------|
| Ammonium hydroxide.....                                             | .236(b),(c),(f), .526               |
| (28 pct or less NH <sub>3</sub> ).....                              | .527                                |
| Carbon tetrachloride.....                                           | .316, .409, .525, .526, .527, .1020 |
| Ethylene dichloride.....                                            | .408, .526                          |
| 1- or 2-Nitropropane.....                                           | .526                                |
| Styrene.....                                                        | .912(a)(1), .1002(a),(b), .1004     |
| Tricresyl phosphate (containing 1 pct or more of the ortho isomer). | .408, .525(a),(c),(d),(e), .1020    |

(16) The table I column entry under "Electrical hazard class and group" is amended to read "I-A" for "Carbon disulfide."

(17) The table I column entry under "Electrical hazard class and group" is amended to read "I-B" for the following cargoes:

|                              |                 |
|------------------------------|-----------------|
| Chlorosulfonic acid          | Oleum           |
| Hydrochloric acid            | Phosphoric acid |
| Nitric acid (70 pct or less) | Sulfuric acid   |

(18) The table I column entry under "Electrical hazard class and group" is amended to read "I-C" for the following cargoes:

|                           |                   |
|---------------------------|-------------------|
| (n-) Butyl ether          | Paraldehyde       |
| Dibutylamine              | Furfural          |
| Diethylethanamine         | Sulfur (liquid)   |
| Dimethylethanamine        | Vinyl ethyl ether |
| 2-Ethyl-3-Propyl acrolein |                   |

(19) The table I column entry under "Electrical hazard class and group" is amended to read "I-D" for the following cargoes:

|                         |                         |
|-------------------------|-------------------------|
| (iso-, n-, sec-, tert-) | Formic acid             |
| Butylamine              | Isoprene                |
| Butyl methacrylate      | (alpha-) Methyl styrene |
| Chloroprene             | Motor fuel anti-knock   |
| Cyclohexylamine         | compounds (containing   |
| 1,1-Dichloroethane      | lead alkyls)            |
| Dimethylformamide       | Pyridine                |
| Ethylene chlorohydrin   |                         |
| Ethyl methacrylate      |                         |

(20) The table I column entry under "Electrical hazard class and group" is amended to read "NA" for the following cargoes:

|                         |                           |
|-------------------------|---------------------------|
| Acetone cyanohydrin     | Caustic soda solution     |
| Adiponitrile            | Chloroform                |
| Aminoethylethanamine    | Creosote                  |
| Aniline                 | Cresols                   |
| Benzyl chloride         | (iso-, N-) Decyl acrylate |
| Carbolic oil            | Dichlorobenzene           |
| Carbon tetrachloride    | Dichloromethane           |
| Caustic potash solution | Diethanolamine            |

|                              |                                                |
|------------------------------|------------------------------------------------|
| Diethylenetriamine           | Propionic anhydride                            |
| Diisopropanolamine           | Sodium hydrosulfide                            |
| Ethanolamine                 | solution (45 pct or less)                      |
| Ethylene cyanohydrin         | Sodium hypochlorite                            |
| Ethylene dibromide           | solution (15 pct or less)                      |
| 2-Ethylhexyl acrylate        | 1,1,2,2-Tetrachloroethane                      |
| 2-Hydroxyethyl acrylate      | Tetraethylenepentamine                         |
| 2-Methyl-5-Ethyl pyridine    | Toluene diisocyanate                           |
| Naphthalene (liquid)         | Tricresyl phosphate                            |
| (mono-) Nitrobenzene         | (containing 1 pct or more of the ortho isomer) |
| (ortho-, para-) Nitrotoluene | Triethanolamine                                |
| Pentachloroethane            | Triethylenetetramine                           |
| Phenol                       |                                                |
| Phthalic anhydride (liquid)  |                                                |
| (iso-, n-) Propanolamine     |                                                |

(21) The new cargoes incorporated into table I are as follows:

|                                                                            |                                     |
|----------------------------------------------------------------------------|-------------------------------------|
| Alkyl benzene sulfonic acid                                                | Isophorone diisocyanate             |
| Butyl methacrylate, decyl methacrylate, cetyl eicosyl methacrylate mixture | Methacrylic acid                    |
| Cashew nut shell oil (untreated)                                           | Methyl formate                      |
| 2- or 3-Chloropropionic acid                                               | (ortho) Nitrophenol                 |
| Diisobutylamine                                                            | 1,3-Pentadiene                      |
| Diphenyl methane diisocyanate                                              | Perchloroethylene                   |
| Dodecyl diphenyl oxide disulfonate solution                                | Polyethylene polyamines             |
| 2-Ethylhexylamine                                                          | Polymethylene polyphenyl isocyanate |
| Hexamethyleneimine                                                         | Propionaldehyde                     |
| Isophorone diamine                                                         | (iso-) Propylamine                  |
|                                                                            | (n-) Propylamine                    |
|                                                                            | (iso-) Propyl ether                 |
|                                                                            | 1,1,2-Trichloroethane               |
|                                                                            | Trichloroethylene                   |
|                                                                            | Vinyl neodecanate                   |
|                                                                            | Xylenols                            |

One comment requested clarification of the acceptance of non-compatible cargoes stowed diagonally across a corner or cruciform joint. The Coast Guard has added a new 46 CFR Part 150-Compatibility Cargoes and Operational Requirements for Bulk Liquid Hazardous Waste Cargoes (October 23, 1980, 45 FR 70282) which specifically address loading of incompatible cargoes across a cruciform joint. Section 150.130(b) states, "In this subpart, isolation across a cruciform joint is equivalent to isolation by two barriers." With the addition of the new Part 150, references to compatibility in other regulations for bulk liquid cargoes, such as § 153.963, were deleted. Since no other reference to cargo compatibility information is contained in Part 153, a new footnote 1 is added to the table I column heading "Cargo name" to refer the user to Part 150. The existing footnotes 1-6 have been renumbered 2-7.

**Section 153.14 Requirements for flammable and combustible cargoes.** The proposed § 153.14 was found to duplicate the certification requirements for U.S. flag vessels found in §§ 153.8 and 153.900 which require a U.S. flag vessel to have a Subchapter D Certificate of Inspection. Foreign flag vessels carrying flammable and combustible cargoes must comply with 46 CFR 30.01-5 which refers to Parts 32, 34 and 35. The Coast Guard is

withdrawing the proposed § 153.14 because of the duplication.

**Section 153.216 Shower and eyewash fountains.** Several comments expressed the opinion that the temperature limits of 10°C minimum and 35°C maximum for the water in the emergency shower and eyewash fountains is overly restrictive. The purpose of establishing temperature limits is to prevent burning of flesh and eyes when the piping for these showers and fountains is exposed to prolonged periods of sunlight or other heat sources. This topic was discussed at a meeting of the Chemical Transportation Advisory Committee (CTAC) and it was generally felt that wash water temperature limits should be specified. Instances were cited when piping for emergency showers had been insulated and water recirculated to keep the wash water from becoming too hot. Furthermore, persons whose skin or eyes come into contact with toxic chemicals should be encouraged to use the emergency shower and eye wash fountains no matter how minor the initial symptoms may be. Keeping a wash water upper temperature that is reasonably comfortable to the touch would permit the use of the emergency shower and eye wash fountains without aggravating the injury or causing additional discomfort. The comments stated that the lower temperature limit should be ambient temperature in keeping with the IMCO standard. The Coast Guard agrees that the proposed water temperatures of 10°C to 35°C may be slightly restrictive. Accordingly, the requirement has been changed to maintain the wash water temperature between 0°C and 40°C (approx. 32°F and 104°F).

Another comment recommended that each tankship be required to have a second emergency shower and eyewash fountain at a location widely separated from the first on the weather deck. The Coast Guard has no reason to believe that a second emergency shower and eyewash station is necessary. Should the one required emergency shower and eyewash station become inoperable or inaccessible, the conventional showers located in the accommodation spaces could be utilized. This requirement does not preclude the owner/operator from installing additional emergency shower and eyewash fountains.

**Section 153.239 Use of cast iron.** One comment pointed out that although the requirements for the use of cast iron in a cargo containment system are contained in 46 CFR 56.60-10(b), no definition of "Lethal" products has been provided. For purposes of this section, the term

"Lethal" product in § 56.60-10(b) means a cargo that table I references to §§ 153.525 or 153.527. This clarification has been added to § 153.239.

**Sections 153.251 Independent cargo tanks; and 153.252 Special requirements for an independent cargo tank.** In the preamble of the NPRM for § 153.251, the Coast Guard proposed that all independent tanks be designed for the same stresses and dynamic sloshing loads. The proposed requirement represents a significant upgrading for independent cargo tanks and exceeds both the IMCO Chemical Code and the current requirements of Part 153. For these reasons the Coast Guard has rewritten §§ 153.251 and 153.252 to restate the present requirements. Section 153.251 details the minimum attachment standards for all independent tanks. The requirements for dynamic loading and weld radiography have been placed in § 153.252. No substantive changes are made to either § 153.251 or 153.252.

**Section 153.283 Valving for cargo piping.** One comment questioned the requirement in § 153.283(f) for a "Positive Shutoff Valve" since a definition and specific standards for this type valve have not been included in Part 153. The intent of a "Positive Shutoff Valve" is to minimize the leakage of cargo in the event of fire, explosion, or collision resulting in a breakage of the pipeline, loss of power, etc. Section 153.283(f) has been clarified to indicate the standards of 46 CFR 56.50-60(d). Resilient seated valves are not acceptable as positive shutoff valves (see 46 CFR 56.20-15).

**Section 153.284 Characteristics of required quick closing valves.** Section 153.284 has been rewritten to show that the standards of this section apply to the remotely actuated quick closing valves required under § 153.530(n). Since § 153.464 is being deleted, the fusible element requirement previously found in § 153.464 is being added as § 153.284(e).

**Section 153.294 Marking of piping systems; and 153.910 Cargo piping plan.** Two comments suggested that marking every hose connection of a cargo piping system with the system's working pressure and any maximum cargo loading rate chosen under § 153.365(c) of the proposed rule was redundant. The comments recommended that the information be posted on a sign at the port and starboard manifold areas or on the cargo piping plan in lieu of marking every hose connection. Since there are several sizes of cargo piping and corresponding working pressures, each hose connection should be marked to aid in preventing the accidental

overpressurization of the cargo piping system. Likewise, the installed tank venting system equipped with emergency overflow devices would most likely be found in varying configurations aboard the same tankship. A different cargo loading rate chosen under § 153.365(b) would correspond to each size system. In order to prevent accidentally exceeding the maximum cargo loading rate of any particular venting system overflow device, any maximum cargo loading rate should be available to the person-in-charge of the cargo transfer.

The Coast Guard has reconsidered the marking of every hose connection with the maximum loading rate chosen under the proposed § 153.365(b) and is withdrawing the proposed revision of § 153.294. The Coast Guard is adding a new § 153.910(f) to require the cargo piping plan to be marked with the cargo loading rates chosen under § 153.365(b) for the individual cargo lines. This will make the information readily available to the person-in-charge of the cargo transfer. Section 153.910(d) is also revised to reflect Part 150 in lieu of the former § 153.963.

**Section 153.340 Venting system design.** As a prerequisite for a Subchapter O endorsement under this part, a tankship must meet Subchapter D, 46 CFR 31.30-1 requires that all tankships must meet the Marine Engineering regulations, Subchapter F, which includes part 56. The proposed § 153.340 duplicates the Subchapter D requirement and is withdrawn.

**Section 153.361 Arrangements for removal of valves from venting having multiple relief valves.** This section has been rewritten to eliminate grammatical errors found in the NPRM.

**Section 153.365 Liquid overpressurization protection.** One device that has been accepted as an "emergency overflow device" is a spill valve. The Coast Guard has allowed spill valves to be installed in restricted gauging systems only, except for cargoes that are toxic by skin absorption or by inhalation (cargoes referencing §§ 153.525 or 153.527). Additionally, spill valves should be constructed and sized to a specific cargo transfer rate to provide adequate protection. Since the Coast Guard does not have specifications for or approvals of spill valves detailed in Subchapter Q, § 153.365(b) has been rewritten to have spill valves specifically approved by the Commandant (G-MMT).

In response to one comment, this section has been rewritten to give owners/operators alternatives to prevent overpressurization of cargo tanks. However, the Coast Guard

prefers the use of a system that meets requirements of § 153.408.

**Section 153.407 Special requirements for sounding tube gauges.** The only comment regarding this section suggested a further study as to whether the sounding tube perforation will not provide a path for flame propagation. There are two thoughts on the use of perforated sounding tubes. Those who advocate unperforated sounding tubes maintain that the purpose of a restricted sounding tube is to restrict the flow of cargo vapor or the release of cargo vapor when measuring the tank liquid level. By providing a path for vapors to escape from the cargo tank, a perforated sounding tube does not totally limit the release, defeating the primary function of a sounding tube as a restricted gauge. On the other hand, those who advocate perforated sounding tubes claim that the vapor trapped in an unperforated tube is compressed as the cargo tank is filled and the liquid level rises in the tank and the tube. As the liquid level approaches the top of the tank, it is possible for liquid cargo in the sounding tube to be carried over with a sudden release of the compressed vapor in the sounding tube. This will most likely occur if someone quickly removes the sounding tube cap to take a sounding. If the cap is removed rapidly, the sudden release of vapor could draw liquid out of the tube into the face of the individual taking the sounding. A perforated sounding tube would allow the vapor in the sounding tube to equalize with the vapor space in the tank. By eliminating the pressure differential between the vapor spaces in the sounding tube and the tank, the danger described above is avoided.

There is a wide diversity of opinion on the pros and cons of perforated sounding tubes. By permitting the use of one perforation hole the Coast Guard had planned to minimize the hazards of either case described above. After reconsidering available information, the Coast Guard is uncomfortable with a perforated sounding tube that vents the tank's vapor space, thereby defeating the purpose of a restricted gauging system as defined in § 153.2. Accordingly, the Coast Guard will not allow perforations in the tube wall. If documentation is later submitted to the Coast Guard which supports the case for perforated sounding tubes, this position may be reconsidered. In the interim, small pressure bleed cocks could be tapped into the top of the tube wall which could manually relieve any pressure buildup in the sounding tube before one removes the sounding tube cap, or personnel could be instructed to remove the cap slowly. Accordingly the revision of § 153.407, as contained in the

Federal Register of 17 July 1980 (45 FR 48058), is withdrawn.

**Section 153.408 Tank overflow controls.** One comment objected to the requirement that the tank overflow control system operate automatically and activate on the loss of power, claiming that any automatic cessation of the cargo loading operation should be avoided unless an actual tank overflow is imminent. Although routine and frequent use of the automatic tank overflow control system is undesirable, the system is provided as a safety device in the event of personnel error, failure of the required tank gauging system, or an emergency. Power failure could be the sign of an emergency such as a fire, collision or explosion thereby warranting the automatic shutdown of cargo transfer. Furthermore, since automatic closing valves in tank filling lines can be designed to close slowly on the loss of power, the automatic shutdown of cargo transfer should pose no serious problems unless the source of power is unreliable. The requirements that the tank overflow control system be automatic, and activate on loss of power are consistent with the standards adopted by the IMCO under the eighth set of amendments. However, a provision has been added to § 153.408 as described below that will allow an alternative to the automatic tank overflow system.

Numerous countries have expressed concern about the possibility of pipeline pressure surges due to the rapid closing of automatic shutoff valves. As a result IMCO recommended delaying implementation of the eighth amendment standards until 1 October 1982 in order to permit additional study on the matter of tank overflow controls. At the November 1980 meeting of the IMCO Subcommittee on Bulk Chemicals, a proposal for relaxing the IMCO tank overflow requirements was agreed upon. During the April 1981 IMCO meeting of the Marine Safety Committee (MSC), the Committee approved the relaxation of the overflow control requirements as an interim measure pending the development of an acceptable ship/shore linked overflow control system.

IMCO recommends that the tank overflow alarm or control systems be independent of the tank high level alarm and gauging systems. This recommendation exceeds the one system failure concept of Part 153 and has not been incorporated into this rule. The IMCO recommendations incorporated into this revision of § 153.408 are as follows:

(1) The testing and marking requirements for the high level alarms

are removed from § 153.408 and placed in § 153.409.

(2) The interim use of a tank overflow alarm as a replacement for an automatic tank overflow control system is permitted.

(3) In conjunction with the tank overflow alarm, at the cargo transfer conference the persons-in-charge of the vessel and facility must agree to a signal so that sequential shutdown of on-shore pumps and/or valves and of the ship's shutdown valves can be made in sufficient time to prevent the tank from becoming 100 percent liquid full.

These revisions relax the requirements of § 153.408 and impose lesser economic burdens on the shipping industry than requiring the installation of an automatic tank overflow control system.

The independence of the tank overflow control/alarm and the high level alarm system required under this section applies to the sensors, alarm systems, electrical cables and electrical circuits. The systems may have a common power source and electrical feeder panel. A new definition of "independent," as applies to § 153.408, has been added to § 153.2.

**Section 153.409 High level alarms.** The Coast Guard is transferring requirements to § 153.409 that previously were in § 153.408 to test each high level alarm prior to loading and to mark the high level alarms. The revised § 153.409 is now in conformity with the recommended standards set by IMCO.

**Section 153.432 Cooling systems.** The Coast Guard is withdrawing the proposed revision to § 153.432(b). The Coast Guard will consider, after further study, a revision of § 153.432(b) in a future rulemaking.

**Section 153.436 Heat transfer fluid.** The Coast Guard review of a heat transfer fluid included a check of its: (1) suitability of service; (2) chemical compatibility with all cargoes to be carried in the containment system serviced by the heat transfer system; and (3) flashpoint and the temperature setting of the high temperature limit device of the thermal fluid heater. The limit on the fluid's flashpoint is from a fire safety standpoint. In the event of a heat transfer pipeline rupture, a fluid released as a liquid presents a lesser fire hazard than a vapor.

Section 153.436 has been rewritten as a performance standard and incorporates the suitability of service, compatibility and flashpoint considerations for heat transfer fluids. Owners/operators should be prepared to show that any heat transfer fluid used meets these criteria.

**Section 153.467 Ventilation systems for flammable cargoes.** Section 153.467 duplicates the requirements found in Subchapter J for ventilation systems and has been deleted.

**Sections 153.520 Special requirements for carbon disulfide; and 153.545 Special requirements for liquid sulfur.** All U.S. flag tankships are required to comply with Subchapter J as a prerequisite to obtaining a Certificate of Inspection. Since the proposed revisions to §§ 153.520 and 153.545 require compliance with Subchapter J, they have been found to be redundant and have been deleted.

**Sections 153.525 Special requirements for unusually toxic cargoes; and 153.1020 Unusually toxic cargoes.** One person suggested that new vessels should be fitted with an independent tank venting system for each cargo tank if the vessel is authorized to carry toxic and non-toxic cargoes simultaneously. The basis for this comment was two-fold: (1) Cargo tank venting systems rarely have the same capabilities for arrangement flexibility as do cargo transfer piping systems; and (2) while company personnel ashore and afloat are usually keenly aware of existing and possible cargo transfer arrangements, they may not always have the same knowledge or concern for cargo tank venting arrangements. The Coast Guard considers it overly restrictive to require independent venting systems for each cargo tank. The intent of section 153.525(a) is to minimize the possibility of contaminating cargo systems of less toxic cargoes. This can be accomplished operationally by using separate venting systems for unusually toxic cargoes. The intent of §§ 153.525(a) and 153.1020(a) can be met without requiring independent tank venting systems.

**Section 153.526 Toxic vapor detectors.** One comment requested this section be clarified as to: (1) Whether the detectors had to give instantaneous or time weighted average (TWA) vapor concentration readings; and (2) What locations had to be tested. A TWA concentration reading usually requires continuous monitoring of a space with integration of those readings over the monitoring period. This is usually a feature of fixed equipment. Portable detector tube instruments give direct instantaneous readings for a specific location. Since the enclosed spaces within the ship's containment system to be tested for cargo vapor come in varied configurations, multiple locations should be tested prior to allowing personnel to enter the space. Fixed monitoring equipment may be arranged to sample multiple locations within specific

spaces; however, a portable unit can be utilized to sample all shipboard spaces. For this reason at least one detector must be portable. Section 153.526 has been revised to state that the toxic vapor readings of any detector must be within the range of the TWA.

**Section 153.527 Toxic vapor protection.** Two comments recommended that filter type respiratory protection devices be considered as satisfactory substitutes for the emergency escape breathing apparatus (EEBA) described in this section. Problems associated with cartridge or canister filter type respiratory devices are:

(1) The filter type respiratory device does not supply air and cannot be used in an oxygen deficient atmosphere.

(2) These devices utilize cannisters containing chemical sorbents to remove toxic vapors. Once the chemical sorbents are saturated (depleted), the user is no longer protected. Furthermore, the life of the sorbent is a direct function of the vapor concentration.

(3) Channeling of air and toxic vapors may occur at the inner wall of the canister where the irregular sorbent grains touch the smooth cannister walls. This causes the sorbent particles at the outside to become rapidly depleted and reduces the life of the canister.

(4) These devices work on negative pressure. Leakage around the face piece seal, such as around a beard, can result in toxic vapors being inhaled.

(5) Cannisters are generally suitable for only a limited number of cargoes. For a sophisticated parcel tanker a series of cannisters would be required to give adequate protection.

For the reasons discussed above the filter type respiratory protection devices will not be considered substitutes for EEBA's on U.S. flag vessels. However, personnel protection equipment on foreign flag vessels that meet the approval of the tankship's flag administration will be acceptable to the Coast Guard.

Another comment recommended that the required EEBA's should be a one piece apparatus that also provides eye protection instead of permitting a set of goggles to be provided separately. Where the EEBA does not protect the eyes from irritating vapors, a set of goggles used in conjunction with such a device provides the necessary protection in the event of a fire or cargo release. Even though goggles will not increase visibility, they will protect an individual's eyes from smoke and cargo vapors.

One person addressed the need for an operational respiratory protection

requirement for persons working in the cargo area during cargo operations. At present the intent of § 153.527 is to provide for emergency escape from the vessel in the event of a catastrophic toxic chemical release. The Coast Guard agrees that either the intent of § 153.527 should be changed or a similar operational requirement should be made to provide for escape from the immediate vicinity of pipeline rupture or flange leakage in the cargo area during cargo operations. The Coast Guard will consider amending the IMCO Chemical Code and Part 153 in the future.

**Section 153.530 Special Requirements for alkylene oxides.** New paragraph (q) requires propylene oxide to be carried in independent gravity tanks for vessels contracted for after 1 January 1982. This date conforms to the IMCO implementation date. Since no U.S. vessels currently carry or anticipate to carry propylene oxide, this requirement should have no economic impact.

**Section 153.602 Special requirements for cargoes reactive with water.** Since table I specifies open venting for sulfuric acid, the requirements of this section will apply to sulfuric acid if it is carried in a containment vent system equipped with a PV valve.

**Section 153.809 Procedures for having the Coast Guard examine a vessel for a Letter of Compliance.** The Coast Guard has reconsidered the addition of a new § 153.809(e) which would establish a new reporting requirement. The proposed § 153.809(e) is withdrawn.

**Section 153.905 Regulations required to be on board.** With the incorporation of the cargo compatibility information into 46 CFR Part 150, a copy of Part 150 will also be required to be on board a vessel carrying products subject to Part 153.

**Section 153.909 Cargo location plan.** The information required by § 153.909 is duplicated in the shipping document requirement, § 153.908. To reduce the paperwork burden on the public, the Coast Guard is deleting § 153.909.

**Section 153.934 Entry into spaces containing cargo vapor; and 153.974 Ventilation of cargo handling spaces and pumprooms during cargo transfers.** The proposed § 153.974 overlaps § 153.934. The ventilation of cargo handling spaces and pumprooms falls under the responsibility of the master to make sure that an enclosed space is free of toxic vapors and has sufficient oxygen to support life. The Coast Guard is revising § 153.934 by adding the word "pumproom" and is withdrawing the proposed § 153.974.

**Section 153.957 Person in charge of cargo transfer.** The Coast Guard has published a NPRM in the Federal Register of 18 December 1980 (45 FR 83290) that establishes additional requirements for U.S. and foreign flag vessels. Accordingly, the proposed amendment to § 153.957, as contained in the Federal Register of 17 July 1980 (45 FR 48058), is withdrawn.

**Section 153.968 Cargo transfer conference.** Provided the vessel is equipped with the interim tank overflow control system required under § 153.408(c), § 153.968(b)(5) has been added to have the persons-in-charge of the cargo transfer for the vessel and facility to agree to a signal that complies with § 153.408(d).

**Section 153.1002 Special operating requirements for heat sensitive cargoes.** One comment recommended § 153.1002(a) be expanded to prohibit any operational procedure in an adjacent cargo tank or enclosed space that would cause a localized excessive temperature rise of a heat-sensitive cargo. Although the Coast Guard concurs with this comment conceptually, a further amplification of § 153.1002 would be redundant. The intent of § 153.1002, as written, includes the prohibition of any operational procedure in an adjacent cargo tank or enclosed space that would cause a localized excessive temperature rise of a heat sensitive cargo.

**Section 153.1010 Alkylene Oxides.** One person mentioned that the requirement that a Coast Guard marine inspector be on board a vessel before each loading of an alkylene oxide will unnecessarily slow turn around time of vessels carrying alkylene oxides. The requirements in § 153.1010(a)(1) parallels the new requirements adopted by IMCO in the second set of amendments to the IMCO Gas Carrier Code, Res. A.328. The Coast Guard concurs with the recommended standards for alkylene oxide carriage since alkylene oxides may be carried on both chemical and gas ships. One minor modification which applies to foreign flag vessels will change the wording in § 153.1010(a)(1)(i) to: "(1)(i) obtain verification, from a Coast Guard marine inspector or from a representative of the tankship's flag administration, that separation of the alkylene oxide piping system complies with alkylene oxide handling plans approved by the Coast Guard or the tankship's flag administration."

Another comment recommended that ships personnel seal the flanges specified in § 153.1010(a)(1)(ii). This is not acceptable because such an arrangement is not consistent with the

intent of the recommendations adopted by the IMCO.

CTAC suggested a provision be added to exempt tankships equipped with independent piping from the inspection for piping separation and sealing of flanges requirements in § 153.1010(a) of the proposed rule. Sections 153.1010 (a) and (d) have been rewritten to incorporate this change. Tankships with independent piping must have onboard the vessel approved alkylene oxide handling plans and certification from the Coast Guard or the tankship's flag administration that the vessel has independent piping for alkylene oxides.

One comment stated that §§ 153.1010(c) of the existing rule and 153.1010(d) of the proposed rule overlapped. The Coast Guard has revised section 153.1010(c) to incorporate the proposed § 153.1010(d).

**Section 153.1025 Motor fuel antiknock compounds.** One comment expressed concern about a Master's ability to calculate a time weighted average (TWA) exposure for a crewman. In industry a dosimeter is normally worn by a person and is sent to a laboratory for exposure analysis. Since this is beyond the facilities of a tankship, the Coast Guard is revising this section to have the space tested for a lead level of 0.075 mg/m<sup>3</sup>.

**Appendix I—List of cargoes not regulated under Part 151, Part 153 or Subchapter D.** Five additional cargoes have been evaluated as non-regulated cargoes and have been added to Appendix I. The Coast Guard has recently evaluated sodium chlorate solution and has assigned it to table I of this part. On the basis of chemical similarity, sodium bromate solutions have been deleted from the proposed Appendix I pending further evaluation.

Other comments were received pertaining to sections of Part 153 which were unchanged in the proposed rules. Changes to sections not revised in the proposed rules are beyond the scope of this regulatory project. Although comments on such sections have not been addressed in this preamble, they have been retained on file for use in future regulatory projects to revise and update Part 153.

Besides the changes to the original proposal described in this preamble, the final rule corrects some typographical errors.

#### Regulatory Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be

nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). The cost of these regulations have been determined through an incremental cost-benefit analysis for each new requirement taking into consideration the approximate number of affected vessels. An estimation of the cost per vessel can not accurately be determined due to the variation in the cargoes carried on each chemical tankship. For the thirty-three U.S. chemical tankships, the economic impact is expected to be less than \$486,000 per year or approximately \$14,700 per vessel annually. The benefits to be derived from these regulations take into account the anticipated reductions in deaths, injuries and property damage. The benefits arising from the carriage of new cargoes have not been considered. The overall annual benefit in property preservation is expected to be 1.8 million dollars. Additional details are presented in the Final Regulatory Evaluation which has been included in the public docket. Copies may be obtained from Commandant (G-CMC/44), U.S. Coast Guard, 2100 2nd St., SW., Washington, D.C. 20593.

#### Regulatory Flexibility Evaluation

Even though the NPRM was published before the effective date of the Regulatory Flexibility Act (94 Stat. 1164), this rulemaking has been evaluated under the Act. It is certified that these rules will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects

46 CFR Part 91

Cargo vessels, Marine safety.

46 CFR Part 153

Hazardous materials transportation, Marine safety, Tank vessels.

In consideration of the foregoing, Chapter I of Title 46, Code of Federal Regulations, is hereby amended as follows:

#### PART 30—GENERAL PROVISIONS

##### § 30.25-1 [Amended]

1. By removing "Propyl Ether (iso-)" from the table in § 30.25-1.

#### PART 91—INSPECTION AND CERTIFICATION

2. By revising § 91.55-15(a) (2) and (3) to read as follows:

##### § 91.55-15 Procedure for submittal of plans.

(a) \* \* \*

(2) The plans may be submitted directly to the Commandant (G-MMT), U.S. Coast Guard, Washington, D.C. 20593. In this case, the plans will be returned directly to the submitter, with a copy of the action being forwarded to the interested Officer in Charge, Marine Inspection.

(3) The plans may be submitted directly to one of the following field technical offices:

(i) Commander, 3rd Coast Guard District (mmt), Governors Island, New York, N.Y. 10004, for the geographical area covered by the 1st, 3rd and 5th Coast Guard Districts.

(ii) Commander, 8th Coast Guard District (mmt), Hale Boggs Federal Building, 500 Camp St., New Orleans, LA. 70130, for the geographical area covered by the 2nd, 7th and 8th Coast Guard Districts.

(iii) Commander, 9th Coast Guard District (mmt), 1240 East Ninth Street, Cleveland, Ohio 44199, for the geographical area covered by the 9th Coast Guard District.

(iv) Commander, 12th Coast Guard District (mmt), 630 Sansome St., San Francisco, CA. 94126, for the geographical area covered by the 11th, 12th, 13th, 14th and 17th Coast Guard Districts.

#### PART 153—SAFETY RULES FOR SELF-PROPELLED VESSELS CARRYING HAZARDOUS LIQUIDS

3. By revising the following definitions in § 153.2 to read as follows:

##### § 153.2 Definitions.

\* \* \* \* \*

"B" means the breadth of the vessel and is defined in § 42.13-15(d) of this chapter.

\* \* \* \* \*

"Dedicated ballast tank" means a tank that is used only for ballast.

\* \* \* \* \*

"L" means the length of the vessel and is defined in § 42.13-15(a) of this chapter.

\* \* \* \* \*

"Letter of Compliance" means a letter issued by the Coast Guard permitting a foreign flag tankship to carry a bulk cargo regulated under this part.

\* \* \* \* \*

"Restricted gauging system" means a method of gauging the amount of cargo in a tank through an opening of limited size that restricts or prevents the release

of cargo vapors from the tank vapor space.

\* \* \* \* \*

4. By amending § 153.2, by adding in alphabetical sequence the following definitions:

\* \* \* \* \*

"Cargo area" means that part of a vessel that includes the cargo tanks, spaces adjacent to the cargo tanks and the part of the deck over the cargo tanks and adjacent spaces.

\* \* \* \* \*

"Independent," as applied to a cargo piping, venting, heating or cooling system means that the system is connected to no other system, and has no means available for connection to another system.

\* \* \* \* \*

"Independent," as applied to the tank overflow control or alarm system and the high level alarm system required under § 153.408, means that each system must have a separate sensor, alarm, electrical cable and electrical circuit. The system may have a common power source and electrical feeder panel.

\* \* \* \* \*

"Separate" and "separated," as applied to a cargo piping, venting, heating or cooling system, means either an independent system or one that may be disconnected from all other systems by—

(a) Removing spool pieces or valves and blanking the open pipe ends; or

(b) Blocking each system interconnection with two blind flanges in series and providing a means of detecting leakage into the pipe section between the flanges.

\* \* \* \* \*

5. By revising § 153.7(b)(4) introductory text and (c) to read as follows:

##### § 153.7 Existing tankships.

(b) \* \* \*

(4) The Commandant (G-MHM) considers on a case by case basis endorsing the permit of an existing tankship to carry a cargo listed in table I if—

\* \* \* \* \*

(c) An existing tankship must meet all the requirements of this part except as provided in paragraphs (c) (3), (4), (5) and (6) of this section.

(1) (Reserved.)

(2) (Reserved.)

(3) The Commandant (G-MHM) considers on a case by case basis endorsing as a type II containment system one that fails to meet §§ 153.21, 153.231(b), and 153.234 if the tankship

and containment system meet the following minimum standards:

(i) The tankship has a loadline certificate.

(ii) The cargo tank is not part of the tankship's shell plating.

(iii) The distance between the bottom plating of the cargo tank and the bottom shell plating of the tankship is at least 76 cm measured parallel to the vertical axis of the tankship.

(4) The Commandant (G-MHM)

considers on a case by case basis endorsing a containment system as a type II containment system if—

(i) The containment system is modified to meet § 153.231(b) by adding double bottoms or wing tanks; and

(ii) The tankship can survive the damage described in §§ 153.32 and 153.34 to the parts of the tankship other than machinery spaces.

(5) The Commandant (G-MHM) considers on a case by case basis

endorsing as a type III containment system one that does not meet §§ 153.22 and 153.234 if the tankship has a loadline certificate.

(6) The Commandant (G-MHM) considers on a case by case basis endorsing the tankship to carry cargoes listed in table I of this part if the tankship does not meet §§ 153.217, 153.219 and 153.254.

6. By revising table I to Subpart A to read as follows:

TABLE I.—SUMMARY OF MINIMUM REQUIREMENTS

| Cargo name <sup>1</sup>                                                    | Cargo containment system <sup>2</sup> | Vent height <sup>3</sup> | Vent <sup>4</sup> | Gauge <sup>5</sup> | Fire protection system <sup>6</sup> | Special requirements                                                         | Electrical hazard class and group <sup>7</sup> |
|----------------------------------------------------------------------------|---------------------------------------|--------------------------|-------------------|--------------------|-------------------------------------|------------------------------------------------------------------------------|------------------------------------------------|
| Acetic acid                                                                | III                                   | 4m                       | PV                | Restr              | A                                   | 238(a), 527, 554                                                             | I-D                                            |
| Acetic anhydride                                                           | II                                    | 4m                       | PV                | Restr              | A                                   | 238(a), 526, 527, 554                                                        | I-D                                            |
| Acetone cyanohydrin                                                        | II                                    | B/3                      | PV                | Closed             | A                                   | 238(a), 316, 336, 408, 525, 526, 527, 912(a)(2), 933, 1002, 1004, 1020, 1035 | NA                                             |
| Acetonitrile                                                               | II                                    | B/3                      | PV                | Restr              | A                                   | 525, 526, 1020                                                               | I-D                                            |
| Acrylic acid                                                               | III                                   | 4m                       | PV                | Restr              | A                                   | 238(a), 526, 912(a)(1), 1002(a), 1004                                        | I-D                                            |
| Acrylonitrile                                                              | II                                    | B/3                      | PV                | Closed             | A                                   | 236 (a), (c), (d), 316, 408, 525, 526, 527, 912(a)(1), 1004, 1020            | I-D                                            |
| Adiponitrile                                                               | III                                   | 4m                       | PV                | Restr              | A                                   | 526                                                                          | NA                                             |
| Alkyl benzene sulfonic acid                                                | III                                   | NR                       | Open              | Open               | B                                   | None                                                                         | NA                                             |
| Allyl alcohol                                                              | II                                    | B/3                      | PV                | Closed             | A                                   | 316, 408, 525, 526, 527, 933, 1020                                           | I-C                                            |
| Allyl chloride                                                             | II                                    | B/3                      | PV                | Closed             | A                                   | 316, 408, 525, 526, 527, 1020                                                | I-D                                            |
| Aminoethylethanamine                                                       | III                                   | NR                       | Open              | Open               | A                                   | 236 (a), (b), (c), (g)                                                       | NA                                             |
| Ammonium hydroxide (28 pct or less NH <sub>3</sub> )                       | III                                   | 4m                       | PV                | Restr              | C                                   | 236 (b), (c), (f), 526, 527                                                  | I-D                                            |
| Aniline                                                                    | II                                    | B/3                      | PV                | Closed             | A                                   | 316, 408, 525, 526, 933, 1020                                                | NA                                             |
| Benzene                                                                    | III                                   | B/3                      | PV                | Restr              | B                                   | 316, 526, 1060                                                               | I-D                                            |
| Benzyl chloride                                                            | II                                    | B/3                      | PV                | Closed             | B                                   | 316, 408, 525, 526, 527, 912(a)(2), 1004, 1020                               | NA                                             |
| (iso-, n-) Butyl acrylate                                                  | II                                    | 4m                       | PV                | Restr              | A                                   | 526, 912(a)(1), 1002 (a), (b), 1004                                          | I-D                                            |
| (iso-, n-, sec-, tert-) Butylamine                                         | II                                    | B/3                      | PV                | Closed             | A                                   | 236 (b), (c), 316, 408, 525, 526, 527, 1020                                  | I-D <sup>12</sup>                              |
| (n-) Butyl ether                                                           | III                                   | B/3                      | PV                | Closed             | A                                   | 500, 525, 526, 1020                                                          | I-C <sup>12</sup>                              |
| Butyl methacrylate                                                         | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 912(a)(1), 1002 (a), (b), 1004                                          | I-D <sup>12</sup>                              |
| Butyl methacrylate, decyl methacrylate, cetyl eicosyl methacrylate mixture | III                                   | 4m                       | PV                | Restr              | A, C, D                             | 912(a)(1), 1002 (a), (b), 1004                                               | I-D                                            |
| (iso-, n-, crude) Butyraldehyde                                            | III                                   | 4m                       | PV                | Open               | A                                   | 526                                                                          | I-C                                            |
| Camphor oil                                                                | III                                   | 4m                       | PV                | Open               | B                                   | None                                                                         | I-D                                            |
| Carbolic oil                                                               | II                                    | B/3                      | PV                | Closed             | A                                   | 408, 525, 526, 933, 1020                                                     | NA                                             |
| Carbon disulfide                                                           | II                                    | B/3                      | PV                | Closed             | C                                   | 236(c), 252, 408, 500, 515, 520, 525, 526, 527, 1020, 1040                   | I-A                                            |
| Carbon tetrachloride                                                       | III                                   | B/3                      | PV                | Closed             | NSR                                 | 316, 409, 525, 526, 527, 1020                                                | NA                                             |
| Cashew nut shell oil (untreated)                                           | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 933                                                                     | NA                                             |
| Caustic potash solution                                                    | III                                   | NR                       | Open              | Open               | NSR                                 | 236 (a), (c), (g), 933                                                       | NA                                             |
| Caustic soda solution                                                      | III                                   | NR                       | Open              | Open               | NSR                                 | 236 (a), (c), (g), 933                                                       | NA                                             |
| (mono-) Chlorobenzene                                                      | III                                   | 4m                       | PV                | Restr              | B                                   | 526                                                                          | I-D                                            |
| Chloroform                                                                 | III                                   | B/3                      | PV                | Restr              | NSR                                 | 525, 526, 527, 1020                                                          | NA                                             |
| (crude) Chlorohydrins                                                      | II                                    | B/3                      | PV                | Closed             | A                                   | 408, 525, 526, 1020                                                          | I-D                                            |
| 2- or 3-Chloropropionic acid                                               | III                                   | NR                       | Open              | Open               | A                                   | 238(a), 554                                                                  | NA                                             |
| Chloroprene                                                                | II                                    | B/3                      | PV                | Closed             | B                                   | 316, 525, 526, 527, 912(a)(1), 1002(a), (b), 1004, 1020                      | I-D <sup>12</sup>                              |
| Chlorosulfonic acid                                                        | I                                     | B/3                      | PV                | Closed             | NSR                                 | 408, 525, 526, 527, 554, 555, 602, 933, 1000, 1020, 1045                     | I-B <sup>10</sup>                              |
| Coal tar naphtha                                                           | III                                   | 4m                       | PV                | Restr              | A                                   | 526                                                                          | I-D                                            |
| Creosote                                                                   | III                                   | NR                       | Open              | Open               | B                                   | 409                                                                          | NA                                             |
| Cresols                                                                    | III                                   | NR                       | Open              | Open               | B                                   | None                                                                         | NA                                             |
| Crotonaldehyde                                                             | II                                    | B/3                      | PV                | Restr              | A                                   | 316, 525, 526, 527, 1020                                                     | I-C                                            |
| Cyclohexanone                                                              | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (a), (b), 526                                                            | I-D                                            |
| Cyclohexylamine                                                            | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (a), (b), (c), (g), 526                                                  | I-D <sup>12</sup>                              |
| (iso-, n-) Decyl acrylate                                                  | III                                   | NR                       | Open              | Open               | A, C                                | 236 (b), (c), 912(a)(1), 1002 (a), (b), 1004                                 | NA                                             |
| Dibutylamine                                                               | III                                   | 4m                       | PV                | Restr              | B                                   | 236 (b), (c), 526                                                            | I-C <sup>12</sup>                              |
| Dichlorobenzene                                                            | III                                   | 4m                       | PV                | Restr              | B                                   | 236 (a), (b), 526                                                            | NA                                             |
| 1,1-Dichloroethane                                                         | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 527                                                                     | I-D <sup>12</sup>                              |
| 2,2-Dichloroethyl ether                                                    | II                                    | 4m                       | PV                | Restr              | A                                   | 236 (a), (b), 526                                                            | I-D                                            |
| Dichloromethane                                                            | III                                   | 4m                       | PV                | Restr              | NSR                                 | 526                                                                          | NA                                             |
| 1,1-, 1,2-, or 1,3-Dichloropropane                                         | II                                    | B/3                      | PV                | Restr              | B                                   | 525, 526, 1020                                                               | I-D                                            |
| 1,3-Dichloropropane                                                        | II                                    | B/3                      | PV                | Closed             | B                                   | 316, 336, 408, 525, 526, 527, 1020                                           | I-D                                            |
| Diethanolamine                                                             | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c)                                                                 | NA                                             |
| Diethylamine                                                               | III                                   | B/3                      | PV                | Restr              | A                                   | 236 (a), (b), (c), (g), 525, 526, 527, 1020                                  | I-C                                            |
| Diethylenetriamine                                                         | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c)                                                                 | NA                                             |
| Diethylethanamine                                                          | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (a), (b), (c), (g), 526                                                  | I-C <sup>12</sup>                              |
| Diisobutylamine                                                            | II                                    | 4m                       | PV                | Restr              | B, D                                | 236 (a), (b), (c), (g), 409, 525 (a), (c), (d), (e), 526, 1020               | I-C                                            |
| Diisopropanolamine                                                         | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c)                                                                 | NA                                             |
| Diisopropylamine                                                           | II                                    | B/3                      | PV                | Closed             | A                                   | 236 (b), (c), 408, 525, 526, 527, 1020                                       | I-C                                            |
| Dimethylamine (40 pct or less)                                             | III                                   | B/3                      | PV                | Restr              | A, C                                | 236 (a), (b), (c), (d), 525, 526, 527, 1020                                  | I-C                                            |
| Dimethylethanamine                                                         | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (b), (c), 526                                                            | I-C <sup>12</sup>                              |
| Dimethylformamide                                                          | III                                   | 4m                       | PV                | Restr              | A                                   | 236(b), 526                                                                  | I-D <sup>12</sup>                              |
| Diphenyl methane diisocyanate <sup>11</sup>                                | II                                    | B/3                      | PV                | Closed             | C, D                                | 236 (a), (b), 316, 409, 500, 501, 525, 526, 602, 1000, 1020                  | NA                                             |

TABLE I.—SUMMARY OF MINIMUM REQUIREMENTS—Continued

| Cargo name <sup>1</sup>                                                            | Cargo containment system <sup>2</sup> | Vent height <sup>3</sup> | Vent <sup>4</sup> | Gauge <sup>5</sup> | Fire protection system <sup>6</sup> | Special requirements                                                            | Electrical hazard class and group <sup>7</sup> |
|------------------------------------------------------------------------------------|---------------------------------------|--------------------------|-------------------|--------------------|-------------------------------------|---------------------------------------------------------------------------------|------------------------------------------------|
| 1,4-Dioxane.....                                                                   | II                                    | B/3                      | PV                | Closed             | A                                   | 408, 525, 526, 1020                                                             | I-C                                            |
| Dodecyl diphenyl oxide disulfonate solution.....                                   | III                                   | NR                       | Open              | Open               | NSR                                 | None                                                                            | NA                                             |
| Epichlorohydrin.....                                                               | II                                    | B/3                      | PV                | Closed             | A                                   | 316, 408, 525, 526, 527, 1020                                                   | I-C                                            |
| Ethanolamine.....                                                                  | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c), 526                                                               | NA                                             |
| Ethyl acrylate.....                                                                | II                                    | 4m                       | PV                | Restr              | A                                   | 526, 527, 912(a)(1), 1002 (a), (b), 1004                                        | I-D                                            |
| Ethylene chlorohydrin.....                                                         | II                                    | B/3                      | PV                | Closed             | A, C                                | 316, 408, 525, 526, 527, 933, 1020                                              | I-D <sup>12</sup>                              |
| Ethylene cyanohydrin.....                                                          | III                                   | NR                       | Open              | Open               | A                                   | None                                                                            | NA                                             |
| Ethylenediamine.....                                                               | II                                    | 4m                       | PV                | Restr              | A                                   | 236 (b), (c), 526                                                               | I-D                                            |
| Ethylene dibromide.....                                                            | II                                    | B/3                      | PV                | Closed             | NSR                                 | 408, 525, 526, 527, 1020                                                        | NA                                             |
| Ethylene dichloride.....                                                           | II                                    | 4m                       | PV                | Restr              | B                                   | 408, 526                                                                        | I-D                                            |
| Ethyl ether.....                                                                   | II                                    | 4m                       | PV                | Closed             | A                                   | 236(g), 252, 408, 440, 500, 515, 526, 527                                       | I-C                                            |
| 2-Ethylhexyl acrylate.....                                                         | III                                   | NR                       | Open              | Open               | A                                   | 912(a)(1), 1002 (a), (b), 1004                                                  | NA                                             |
| 2-Ethylhexylamine.....                                                             | II                                    | B/3                      | PV                | Restr              | A                                   | 236 (b), (c), 525, 526, 1020                                                    | I-C                                            |
| Ethyl methacrylate.....                                                            | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 912(a)(1), 1002 (a), (b), 1004                                             | I-D <sup>12</sup>                              |
| 2-Ethyl-3-propyl acrolein.....                                                     | III                                   | 4m                       | PV                | Restr              | A                                   | 526                                                                             | I-C <sup>12</sup>                              |
| Formaldehyde solution (37 to 50 pct).....                                          | III                                   | 4m                       | PV                | Restr              | A                                   | 526, 527                                                                        | I-C                                            |
| Formic acid.....                                                                   | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (b), (c), 526, 527, 554                                                     | I-D <sup>12</sup>                              |
| Furfural.....                                                                      | III                                   | 4m                       | PV                | Restr              | A                                   | 526                                                                             | I-C <sup>12</sup>                              |
| Hexamethyleneimine.....                                                            | II                                    | 4m                       | PV                | Restr              | A, C                                | 236 (a), (b), (c), (g), 526                                                     | I-C                                            |
| Hydrochloric acid.....                                                             | III                                   | 4m                       | PV                | Restr              | NSR                                 | 252, 526, 527, 554, 557, 933, 1045, 1052                                        | I-B <sup>10</sup>                              |
| 2-Hydroxyethyl acrylate.....                                                       | II                                    | B/3                      | PV                | Closed             | A                                   | 408, 525, 526, 912(a)(1), 933, 1002 (a), (b), 1004, 1020                        | NA                                             |
| Isoprene.....                                                                      | III                                   | 4m                       | PV                | Restr              | B                                   | 440, 912(a)(1), 1002 (a), (b), 1004                                             | I-D <sup>12</sup>                              |
| Isophorone diamine.....                                                            | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (b), (c), 526                                                               | NA                                             |
| Isophorone diisocyanate <sup>11</sup> .....                                        | III                                   | B/3                      | PV                | Closed             | C, D                                | 236 (a), (b), 316, 409, 525, 526, 602, 1000, 1020                               | NA                                             |
| Mesityl oxide.....                                                                 | III                                   | 4m                       | PV                | Restr              | A                                   | 409, 526                                                                        | I-D                                            |
| Methyl acrylate.....                                                               | II                                    | 4m                       | PV                | Restr              | B                                   | 526, 527, 912(a)(1), 1002 (a), (b), 1004                                        | I-D                                            |
| Methacrylic acid.....                                                              | III                                   | 4m                       | PV                | Restr              | A                                   | 236(a), 526, 912(a)(1), 1002(a), 1004                                           | NA                                             |
| 2-Methyl-5-ethyl pyridine.....                                                     | III                                   | NR                       | Open              | Open               | A                                   | 236(b)                                                                          | NA                                             |
| Methyl formate.....                                                                | II                                    | B/3                      | PV                | Restr              | A                                   | 408, 440, 525, 526, 527, 1020                                                   | I-D                                            |
| Methyl methacrylate.....                                                           | II                                    | 4m                       | PV                | Restr              | B                                   | 526, 912(a)(1), 1002 (a), (b), 1004                                             | I-D                                            |
| (alpha-) Methyl styrene.....                                                       | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 912(a)(1), 1002 (a), (b), 1004                                             | I-D <sup>12</sup>                              |
| Morpholine.....                                                                    | III                                   | 4m                       | PV                | Restr              | A                                   | 236 (b), (c)                                                                    | I-C                                            |
| Motor fuel anti-knock compounds (containing lead alkyls).....                      | II                                    | B/3                      | PV                | Closed             | B, C                                | 252, 336, 408, 525, 526, 527, 933, 1020, 1025                                   | I-D <sup>12</sup>                              |
| Naphthalene (liquid).....                                                          | III                                   | 4m                       | PV                | Restr              | B, C                                | None                                                                            | NA                                             |
| Nitric acid (70 pct or less).....                                                  | II                                    | 4m                       | PV                | Restr              | NSR                                 | 408, 526, 527, 554, 555, 559, 933, 1045                                         | I-B <sup>10</sup>                              |
| (mono-) Nitrobenzene.....                                                          | II                                    | B/3                      | PV                | Closed             | B, C                                | 316, 336, 408, 525, 933, 1020                                                   | NA                                             |
| (o-) Nitrophenol.....                                                              | II                                    | B/3                      | PV                | Closed             | A, C, D                             | 409, 440, 525, 526, 1020                                                        | NA                                             |
| 1- or 2-Nitropropane <sup>8</sup> .....                                            | III                                   | 4m                       | PV                | Restr              | A <sup>8</sup>                      | 526                                                                             | I-C                                            |
| (o-, p-) Nitrotoluene.....                                                         | II                                    | B/3                      | PV                | Closed             | B                                   | 316, 408, 525, 526, 1020                                                        | NA                                             |
| Oleum.....                                                                         | II                                    | B/3                      | PV                | Closed             | NSR                                 | 316, 408, 526, 527, 554, 555, 556, 602, 933, 1000, 1045, 1052                   | I-B <sup>10</sup>                              |
| Paraldehyde.....                                                                   | III                                   | 4m                       | PV                | Restr              | A                                   | None                                                                            | I-C <sup>12</sup>                              |
| Pentachloroethane.....                                                             | III                                   | B/3                      | PV                | Restr              | NSR                                 | 316, 525, 526, 1020                                                             | NA                                             |
| 1,3-Pentadiene.....                                                                | III                                   | 4m                       | PV                | Restr              | B                                   | 526, 912(a)(1), 1002, 1004                                                      | I-D                                            |
| Perchloroethylene.....                                                             | III                                   | 4m                       | PV                | Restr              | NSR                                 | 526                                                                             | NA                                             |
| Phenol.....                                                                        | II                                    | B/3                      | PV                | Closed             | A                                   | 408, 525, 526, 933, 1020                                                        | NA                                             |
| Phosphoric acid.....                                                               | III                                   | NR                       | Open              | Open               | NSR                                 | 554, 555, 558, 1045, 1052                                                       | I-B <sup>10</sup>                              |
| Phthalic anhydride (liquid).....                                                   | III                                   | 4m                       | PV                | Restr              | D                                   | None                                                                            | NA                                             |
| Polyethylene polyamines.....                                                       | II                                    | NR                       | Open              | Open               | A                                   | 236 (b), (c)                                                                    | NA                                             |
| Polymethylene polyphenyl isocyanate <sup>11</sup> .....                            | II                                    | B/3                      | PV                | Closed             | C, D                                | 236 (a), (b), 409, 500, 501, 525, 526, 602, 1000, 1020                          | NA                                             |
| (iso-, n-) Propanolamine.....                                                      | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c), 526                                                               | NA                                             |
| Propionaldehyde.....                                                               | III                                   | 4m                       | PV                | Restr              | A                                   | 316, 526, 527                                                                   | I-C                                            |
| Propionic acid.....                                                                | III                                   | 4m                       | PV                | Restr              | A                                   | 236(a), 527, 554                                                                | I-D                                            |
| Propionic anhydride.....                                                           | III                                   | 4m                       | PV                | Restr              | A                                   | 236(a), 558                                                                     | NA                                             |
| (iso-) Propylamine.....                                                            | II                                    | B/3                      | PV                | Closed             | C                                   | 236 (b), (c), 408, 440, 525, 526, 527, 1020                                     | I-D                                            |
| (n-) Propylamine.....                                                              | II                                    | B/3                      | PV                | Closed             | C                                   | 236 (b), (c), 408, 500, 525, 526, 527, 1020                                     | I-D                                            |
| Propylene oxide <sup>9</sup> .....                                                 | II                                    | B/3                      | PV                | Closed             | A                                   | 252, 408, 440, 500, 526, 530, 1010, 1011                                        | I-B                                            |
| (iso-) Propyl ether.....                                                           | III                                   | 4m                       | PV                | Restr              | A                                   | 409, 500, 515, 912(a)(1)                                                        | I-D                                            |
| Pyridine.....                                                                      | III                                   | 4m                       | PV                | Restr              | A                                   | 236(b)                                                                          | I-D <sup>12</sup>                              |
| Sodium hydrosulfide solution (45 pct or less).....                                 | III                                   | 4m                       | PV                | Restr              | NSR                                 | 526, 933                                                                        | NA                                             |
| Sodium hypochlorite solution (15 pct or less).....                                 | III                                   | 4m                       | PV                | Restr              | NSR                                 | 236 (a), (b)                                                                    | NA                                             |
| Styrene.....                                                                       | III                                   | 4m                       | PV                | Open               | B                                   | 912(a)(1), 1002 (a), (b), 1004                                                  | I-D                                            |
| Sulfur (liquid).....                                                               | III                                   | NR                       | Open              | Open               | NSR                                 | 252, 440, 526, 545                                                              | I-C <sup>12</sup>                              |
| Sulfuric acid.....                                                                 | III                                   | NR                       | Open              | Open               | NSR                                 | 554, 555, 558, 602, 933, 1000, 1045, 1046, 1052                                 | I-B <sup>10</sup>                              |
| 1,1,2,2-Tetrachloroethane.....                                                     | III                                   | B/3                      | PV                | Restr              | NSR                                 | 316, 525, 526, 1020                                                             | NA                                             |
| Tetraethylenepentamine.....                                                        | III                                   | NR                       | Open              | Open               | A                                   | 236 (b), (c)                                                                    | NA                                             |
| Tetrahydrofuran.....                                                               | III                                   | 4m                       | PV                | Restr              | A, D                                | 526, 912(a)(2), 1004                                                            | I-C                                            |
| Toluene diisocyanate <sup>11</sup> .....                                           | II                                    | 4m                       | PV                | Closed             | C, D                                | 236(b), 316, 408, 500, 501, 525, 526, 527, 602, 1000, 1020                      | NA                                             |
| 1,1,2-Trichloroethane.....                                                         | III                                   | B/3                      | PV                | Restr              | NSR                                 | 526                                                                             | I-D                                            |
| Trichloroethylene.....                                                             | III                                   | B/3                      | PV                | Restr              | NSR                                 | 316, 525, 526, 1020                                                             | I-D                                            |
| Tricresyl phosphate (containing 1 pct or more of the ortho- isomer).....           | II                                    | 4m                       | PV                | Closed             | B                                   | 408, 525 (a), (c), (d), (e), 1020                                               | NA                                             |
| Triethanolamine.....                                                               | III                                   | NR                       | Open              | Open               | A                                   | 236 (a), (b), (c), (g)                                                          | NA                                             |
| Triethylamine.....                                                                 | II                                    | B/3                      | PV                | Restr              | B                                   | 236 (b), (c), 525, 526, 527, 1020                                               | I-C                                            |
| Triethylenetetramine.....                                                          | III                                   | NR                       | Open              | Open               | A                                   | 236 (a), (b), (c)                                                               | NA                                             |
| Urea, ammonium nitrate solution (containing more than 2 pct NH <sub>4</sub> )..... | III                                   | 4m                       | PV                | Restr              | A                                   | 236(b), 526                                                                     | I-D                                            |
| (iso-, n-) Valeraldehyde.....                                                      | III                                   | 4m                       | PV                | Restr              | A                                   | 500, 526                                                                        | I-C                                            |
| Vinyl acetate.....                                                                 | III                                   | 4m                       | PV                | Open               | A                                   | 912(a)(1), 1002 (a), (b), 1004                                                  | I-D                                            |
| Vinyl ethyl ether.....                                                             | III                                   | 4m                       | PV                | Closed             | A                                   | 236 (b), (f), (g), 408, 440, 500, 515, 526, 527, 912(a)(1), 1002 (a), (b), 1004 | I-C <sup>12</sup>                              |
| Vinylidene chloride.....                                                           | II                                    | 4m                       | PV                | Restr              | B                                   | 236 (a), (b), 440, 500, 526, 527, 912(a)(1), 1002 (a), (b), 1004                | I-D                                            |

TABLE I.—SUMMARY OF MINIMUM REQUIREMENTS—Continued

| Cargo name <sup>1</sup> | Cargo containment system <sup>2</sup> | Vent height <sup>3</sup> | Vent <sup>4</sup> | Gauge <sup>5</sup> | Fire protection system <sup>6</sup> | Special requirements                                  | Electrical hazard class and group <sup>7</sup> |
|-------------------------|---------------------------------------|--------------------------|-------------------|--------------------|-------------------------------------|-------------------------------------------------------|------------------------------------------------|
| Vinyl neodecanate       | III                                   | NR                       | Open              | Open               | B                                   | .912(a)(1), .1002 (a), (b), .1004                     | NA                                             |
| Vinyl toluene           | III                                   | 4m                       | PV                | Restr              | B                                   | .236 (a), (c), (g), .912(a)(1), .1002 (a), (b), .1004 | I-D                                            |
| Xylenols                | III                                   | NR                       | Open              | Open               | B                                   | None                                                  | NA                                             |

For details see these sections:

<sup>1</sup> Cargoes must be stowed in accordance with Part 150, Subpart A—Compatibility of Cargoes, of this chapter.

<sup>2</sup> 152.230–153.232.

<sup>3</sup> 153.350–153.351.

<sup>4</sup> 153.355.

<sup>5</sup> 153.400–153.406.

<sup>6</sup> 153.460.

<sup>7</sup> Subchapter J of this chapter.

<sup>8</sup> Dry chemical extinguishers should not be used on nitropropane fires because some dry chemicals may react with nitropropane and make the fire worse.

<sup>9</sup> 153.530(a).

<sup>10</sup> I-B electrical hazard classification does not apply to weather deck locations.

<sup>11</sup> Although water is suitable for extinguishing open air fires involving chemicals to which this footnote applies, water should not be allowed to contaminate closed tanks containing these chemicals because of the risk of hazardous gas generation.

<sup>12</sup> Effective date: at the first drydock examination after July 16, 1982 or not later than July 16, 1984.

#### NOTES ON TABLE I:

**Cargo containment system**—The containment system type, either I, II, or III, is listed. See § 153.230 through 153.232.

**Vent heights**—The location and height of the vent riser is described in terms of vent height, either B/3 or 4m. See sections 153.350 and 153.351.

**Vent**—The type of venting control valve, either pressure vacuum (PV) or open, is listed. See section 153.355.

**Gauge**—The type of gauge, either closed, restricted (Restr.), or open, is listed. See sections 153.400 through 153.406.

**Fire protection system**—The type of fire protection system is shown where:

A is a foam system for water soluble cargoes (polar solvent foam),

B is a foam system for water insoluble cargoes (non-polar solvent foam),

C is a water spray system,

D is a dry chemical system, and

NSR means there is no special requirement for a fire protection system.

When table I specifies more than one type of fire protection system, any one of the listed options will satisfy the requirements for a fire protection system under this part. Unless table I specifies a dry chemical (D) system as an option, a dry chemical system may be substituted for an A or B type system only if the Commandant (G-MMT) approves the substitution.

**Special requirement**—The special requirements are shown by the digits of the section numbers, without the "153" part number preceding them.

**Electrical Hazard Class and Group**—This column is for use with Subchapter J (Electrical Engineering) of this chapter. Under this column NA means that the electrical hazard classes and groupings in Subchapter J do not apply to this cargo.

**NOTE**—See app. I of this part for a list of cargoes to which neither this part nor Subchapter D (Tank Vessels) of this chapter apply.

7. By revising § 153.208(c) and adding a new (d) to read as follows:

#### § 153.208 Ballast tank arrangements.

(c) Except as prescribed in paragraph (d) of this section, pumps, piping, vent lines, overflow tubes and sounding tubes serving dedicated ballast tanks must not be located within a cargo containment system.

(d) Each vent line, overflow tube and sounding tube that serves a dedicated ballast tank and that is located within a cargo containment system must meet § 32.60–10(e)(2) of this chapter.

8. By revising § 153.214 (b)(1) and (c) to read as follows:

#### § 153.214 Personnel emergency and safety equipment.

(b) \*\*\*  
(1) A 30 minute self-contained breathing apparatus of the pressure demand type, approved by the Mining Safety and Health Administration (formerly the Mining Enforcement and Safety Administration) and the National Institute for Occupational Safety and Health, or the tankship's flag administration with five refill tanks or cartridges of 30 minutes capacity each.

(c) First aid equipment.

9. By revising § 153.215(c) to read as follows:

#### § 153.215 Safety equipment lockers.

(c) The second safety equipment locker must be adjacent to the second emergency shutdown station required by § 153.296. This locker must contain the remaining equipment required by § 153.214 (a) and (b).

10. Section 153.216 is amended by redesignating paragraphs (b) and (c) as (c) and (d), and adding a new paragraph (b) to read as follows:

#### § 153.216 Shower and eye wash fountains.

(b) Maintain the water at a temperature between 0°C and 40°C (approx. 32°F and 104°F);

(c) Are located on the weatherdeck; and

(d) Are marked "EMERGENCY SHOWER" as described in § 153.955 (c), (d), and (e), so that the legend is visible from work areas in the part of the deck where the cargo containment systems are located.

11. By revising § 153.217 to read as follows:

#### § 153.217 Access to enclosed spaces and dedicated ballast tanks.

An access opening to an enclosed space or a dedicated ballast tank must meet the requirements for a cargo tank access in § 153.254 (b), (c), and (d) if—

(a) The enclosed space or dedicated ballast tank is located within the cargo area of the vessel; or

(b) A part of a cargo containment system lies within the enclosed space or dedicated ballast tank.

12. By adding a new section § 153.219 to read as follows:

#### § 153.219 Access to double bottom tanks serving as dedicated ballast tanks.

(a) Except as prescribed in paragraph (b) of this section, access openings to double bottom tanks serving as dedicated ballast tanks must not be located within a cargo containment system.

(b) Each access opening to a double bottom tank that is a dedicated ballast tank and that is located within a cargo containment system must be:

(1) Enclosed in an access trunk extending to the weatherdeck;

(2) Separated from the cargo containment system by two manhole coverings; or

(3) Approved by the Commandant (G-MMT).

13. By revising § 153.239 to read as follows:

#### § 153.239 Use of cast iron.

(a) Cast iron used in a cargo containment system must meet the requirements of § 56.60–10(b) of this chapter.

(b) For purposes of this section, the term "lethal products" in § 56.60–10(b) means those cargoes that table I references to § 153.525 or § 153.527.

14. By revising § 153.251 to read as follows:

**§ 153.251 Independent cargo tanks.**

All independent cargo tanks must meet §§ 38.05-10(a)(1), (b), (d) and (e)(1) of this chapter.

15. By revising § 153.252 to read as follows:

**§ 153.252 Special requirement for an independent cargo tank.**

When table I refers to this section, the cargo tank must be an independent tank that meets §§ 38.05-2(d) and 38.05-4(g) of this chapter. (See also § 153.256(b)).

16. By removing § 153.253.

17. By revising § 153.281 to read as follows:

**§ 153.281 Piping to independent tanks.**

Piping for an independent cargo tank must penetrate the tank only through that part of the tank or dome extending above the weatherdeck.

18. By adding § 153.283(f) to read as follows:

**§ 153.283 Valving for cargo piping.**

(f) If the cargo exerts a gravity head pressure on a valve required by this section, the valve must be a positive shutoff valve that meets § 56.50-60(d) of this chapter.

19. By revising § 153.284 to read as follows:

**§ 153.284 Characteristics of required quick closing valves.**

A remotely actuated quick closing shutoff valve required by § 153.530(n) must—

- (a) Be positive shutoff valve;
- (b) Be of the fail-closed type that closes on loss of power;
- (c) Be capable of local manual closing;
- (d) Close from the time of actuation in 30 seconds or less; and
- (e) Be equipped with a fusible element that melts at less than 104°C (approx. 220°F) and closes the valve.

20. By adding a new section § 153.292 to read as follows:

**§ 153.292 Separation of piping systems.**

Cargo piping systems must be arranged so that operations necessary to provide separate systems can be accomplished in a cargo handling space or on the weatherdeck.

21. By revising § 153.296(c) to read as follows:

**§ 153.296 Emergency shutdown stations.**

(c) A second emergency shutdown station must be located so that one of the two stations is accessible from any part of the weatherdeck if a break in a cargo piping system or hose causes spraying or leaking.

\* \* \* \* \*

22. By revising § 153.314(b) to read as follows:

**§ 153.314 Ventilation of spaces not usually occupied.**

\* \* \* \* \*

(b) Each enclosed space within the cargo area that does not have a permanent ventilation system meeting § 153.312 must have—

\* \* \* \* \*

23. By revising § 153.336 to read as follows:

**§ 153.336 Special cargo pump or pumproom requirements.**

(a) When table I refers to this section—

- (1) The cargo pump must be an intank cargo pump;
- (2) The cargo pumproom must be on or above the weatherdeck; or
- (3) The cargo pumproom must have the specific approval of the Commandant (G-MHM).

(b) For a cargo pumproom described in paragraph (a)(2) or (a)(3) the tankship must—

- (1) Have a low pressure breathing quality air supply system for use with the breathing apparatus in the pumproom; or
- (2) Meet any requirements specified by the Commandant (G-MHM).
- (c) A low pressure air supply system described in paragraph (b)(1) of this section must—

- (1) Run from fixed air bottles to the pumproom;
- (2) Have an air compressor to recharge the fixed air bottles;
- (3) Have hose connections in the pumproom suitable for use with the breathing apparatus required in § 153.214(b)(1); and
- (4) Have the air capacity to enable two men to work in the pumproom for at least one hour each without using the cartridges for the breathing apparatus required in § 153.214(b)(1).

24. By revising § 153.350 to read as follows:

**§ 153.350 Location of B/3 vent discharges.**

Except as prescribed in § 153.353, a B/3 venting system must discharge:

- (a) At the highest of the following points:
  - (1) 6m (approx. 19.7 ft) above the weatherdeck.
  - (2) B/3 above the weatherdeck.
  - (3) 6m (approx. 19.7 ft) above a walkway, if the walkway is within a 6m (approx. 19.7 ft) horizontal radius from the vent discharge.
- (b) At least 15m (approx. 49.2 ft) from air intakes for, or openings into, accommodation and service spaces.

25. By revising § 153.351 to read as follows:

**§ 153.351 Location of 4m vent discharges.**

Except as prescribed in § 153.353, a 4m venting system must discharge:

(a) At least 4m (approx. 13.1 ft) above the higher of—

- (1) the weatherdeck; or
- (2) any walkway that is within a 4m (approx. 13.1 ft) horizontal radius from the vent discharge.

(b) At least 10m (approx. 32.8 ft) from air intakes for, or openings into, accommodation or service spaces.

26. By revising § 153.353 to read as follows:

**§ 153.353 High velocity vents.**

The discharge point of a B/3 or 4m venting system must be located at least 3m (approx. 10 ft) above the weatherdeck or walkway if—

- (a) the discharge is a vertical, unimpeded jet;
- (b) the jet has a minimum exit velocity of 30 m/sec (approx. 98.4 ft/sec); and
- (c) the high velocity vent has been approved by Commandant (G-MMT).

27. By revising § 153.361 to read as follows:

**§ 153.361 Arrangements for removal of valves from venting having multiple relief valves.**

A venting system having multiple relief valves may be arranged to allow the removal of a valve (for repair, as an example) provided the venting system—

- (a) has valves that are interlocked, so that the removal of a valve does not reduce the venting system relieving capacity below the minimum relieving capacity required by § 153.358; and
- (b) is arranged so that cargo vapor will not escape through the opening left after a valve has been removed.

28. By adding a new section § 153.365 to read as follows:

**§ 153.365 Liquid overpressurization protection.**

(a) Except as noted in paragraph (b) of this section, a containment system requiring closed or restricted gauging must—

- (1) be designed to withstand the maximum pressure that develops during an overfill of the densest cargo endorsed for the containment system; or
- (2) have an overflow control system that meets § 153.408; or
- (3) meet the requirements specified by the Commandant (G-MHM).

(b) A containment system requiring restricted gauging, except for those cargoes that reference §§ 153.525 or 153.527, may be equipped with a spill valve that—

(1) is specifically approved by the Commandant (G-MMT); and

(2) limits the maximum pressure during liquid overflow at a specified cargo loading rate to that which the containment system is able to withstand (see §§ 153.294(b) and 152.977(b)).

#### § 153.336 [Removed]

29. By removing § 153.366.

30. By revising § 153.408 to read as follows:

#### § 153.408 Tank overflow controls.

(a) When table I refers to this section, a cargo containment system must have—

(1) a cargo high level alarm that meets § 153.409;

(2) a continuous tank cargo level indicator; and

(3) not later than 1 October 1982, a tank overflow control system that—

(i) operates automatically;

(ii) is independent of the high level alarm system;

(iii) prevents a cargo tank from becoming 100 percent liquid full; and

(iv) activates on the loss of power.

(b) If the tank overflow control system has either an automatic shutoff valve or an automatic stop valve to prevent overfilling of a cargo tank, the automatic valve must close without creating surge pressures that exceed the pressure prescribed in § 153.294(b).

(c) As an interim alternative to the automatic overflow system required in paragraph(a)(3) of this section, the cargo containment system may be equipped not later than 1 October 1982 with a tank overflow alarm—

(1) that is independent of the high level alarm system;

(2) that gives an audible and visual alarm such that there is sufficient time to stop tank loading before the tank fills to 100 percent liquid full;

(3) that can be seen and heard where cargo transfer is controlled and on the open deck;

(4) that activates on loss of power;

(5) whose operation can be checked prior to each loading; and

(6) that must be marked as described in § 153.955 (c), (d) and (e) with the legend "Tank Overflow Alarm" so that the legend is visible from work areas in the part of the deck where the cargo containment systems are located.

(d) In conjunction with the tank overflow alarm described in paragraph(c) of this section, during the cargo transfer conference provisions must be made for an agreed signal for sequential shutdown of on-shore pumps and valves and of the ship's shutdown valves without creating surge pressures

that exceed the pressure prescribed in § 153.294(b).

31. By revising § 153.409 to read as follows:

#### § 153.409 High level alarms.

When table I refers to this section or requires a cargo to have a closed gauging system, the cargo's containment system must have a high level alarm—

(a) that gives an audible and visual alarm before the tank fills to 97 percent of its capacity;

(b) that can be seen and heard where cargo transfer is controlled and on the open deck;

(c) whose operation can be checked prior to each loading; and

(d) that must be marked as described in § 153.408(c)(6) with the legend "High Level Alarm."

32. By revising § 153.430(b) to read as follows:

#### § 153.430 Heat transfer systems; general.

Cargo cooling and heating systems must—

\* \* \* \* \*

(b) have valving that enables the system to be separated from all other cooling and heating systems; and

\* \* \* \* \*

33. By revising § 153.432(a) to read as follows:

#### § 153.432 Cooling systems.

(a) Each cargo cooling system must have an equivalent standby unit that is installed and that can be placed in operation immediately after failure of the primary cooling system.

\* \* \* \* \*

34. By revising § 153.434 to read as follows:

#### § 153.434 Heat transfer coils within a tank.

When a cargo tank contains any quantity of cargo, a cargo cooling or heating system having coils within the tank must keep the heat transfer fluid at a pressure greater than the pressure exerted on the heating or cooling system by the cargo.

35. By revising § 153.436 to read as follows:

#### § 153.436 Heat transfer fluid.

A heat transfer fluid used in a cargo tank heat transfer system must—

(a) Be suitable for its intended use;

(b) Be chemically compatible with any cargo carried in those cargo tanks serviced by the heat transfer system; and

(c) Have a flashpoint that does not exceed the temperature setting of the high temperature limit device on the thermal fluid heater.

36. By revising § 153.440 to read as follows:

#### § 153.440 Cargo temperature sensors required.

(a) Except as prescribed in paragraph (c) of this section, when table I refers to this section, the containment system must meet the following requirements:

(1) A heated or refrigerated cargo tank must have a remote reading thermometer sensing the temperature of the cargo at the bottom of the tank.

(2) A refrigerated tank must have a remote reading second thermometer near the top of the tank and below the maximum liquid level allowed by § 153.981.

(b) A readout for each remote thermometer required by this section must be at the point where cargo transfer is controlled.

(c) No portable thermometers that are lowered into the tank may be substituted for the temperature sensors required by paragraph (a) of this section, unless—

(1) The cargo requires either open or restricted gauging.

(2) In the case of restricted gauging, they are lowered into the tank through a gauging tube that meets § 153.407.

#### § 153.464 [Removed]

37. By removing § 153.464.

#### § 153.467 [Removed]

38. By removing § 153.467.

39. By removing and reserving § 153.520(b):

#### § 153.520 Special requirements for carbon disulfide.

\* \* \* \* \*

(b) [Reserved]

\* \* \* \* \*

40. By revising § 153.525 (a), (d) and (f) to read as follows:

#### § 153.525 Special requirements for unusually toxic cargoes.

(a) Cargo piping and venting systems must be designed so that they can be separated from any containment system endorsed for a cargo not covered by this section.

\* \* \* \* \*

(d) A heat transfer system for the cargo must—

(1) Be independent of other ship service systems, except for other cargo heat transfer systems, and not enter the engine room;

(2) Be totally external to the cargo containment system; or

(3) Be approved by the Commandant (G-MHM) for use with toxic cargoes.

\* \* \* \* \*

(f) A cargo containment system must have a vapor return connection.

41. By revising § 153.526 to read as follows:

**§ 153.526 Toxic vapor detectors.**

(a) When table I refers to this section, a tankship must have two toxic vapor detectors, at least one of which must be portable, each able to measure vapor concentrations in the range of the time weighted average (TWA) for the cargo. The portable detector may be a direct reading detector tube instrument. These vapor detectors may be combined with those required by § 153.465.

(b) When the toxic vapor detectors required by paragraph (a) of this section are not available and the cargo referenced to this section is transferred through a cargo pumproom, the tankship must meet § 153.336(b).

42. By revising § 153.527 to read as follows:

**§ 153.527 Toxic vapor protection.**

When table I refers to this section, a tankship must have on board for each crew member:

(a) An emergency escape breathing apparatus (EEBA) approved by the Mining Safety and Health Administration (formerly the Mining Enforcement and Safety Administration) and the National Institute for Occupational Safety and Health, or the tankship's flag administration.

(b) Where the emergency escape breathing apparatus does not protect the eyes from vapors, a set of goggles that either—

(1) Meet the specifications of ANSI Practice for Occupational and Educational Eye and Face Protection, Z-87.1(1979); or

(2) Are approved by the tankship's flag administration.

43. By revising § 153.530 (e), (f), (g)(3), (h), (l) and (n) to read as follows:

**§ 153.530 Special requirements for alkylene oxides.**

(e) The tank's relief valve setting must not be less than 21 kPa gauge (approx. 3 psig).

(f) If the containment system is equipped with a cooling system, the cooling system must—

(1) Not compress the cargo; and  
(2) Regulate the cargo temperature automatically and allow manual regulation.

(g) \* \* \*

(3) Be assembled from valves, fittings, and accessories having a pressure rating of not less than 1030 kPa gauge (approx.

150 psig) (American National Standards Institute); and

(h) The cargo containment system and those spaces listed in paragraphs (k) and (l) must have an arrangement for monitoring the oxygen content of the space as prescribed by § 153.1010(c).

(l) Cofferdams, cargo tanks, double bottom spaces, void spaces and other enclosed spaces adjacent to an integral cargo tank must have an inert gas system meeting the requirements that apply to the inert gas system of a containment system in § 153.500.

(n) The cargo discharge piping system must have a remotely actuated quick closing shutoff valve that meets § 153.284 at the cargo transfer hose connection.

44. By adding a new paragraph § 153.530(q) to read as follows:

**§ 153.530 Special requirements for alkylene oxides.**

(q) On a tankship for which a building contract is let after 1 January 1982, an alkylene oxide cargo tank must be an independent tank.

45. By revising § 153.555 to read as follows:

**§ 153.555 Special requirements for inorganic acids.**

When table I refers to this section, a tankship's shell plating must not be a part of the cargo tank.

**§ 153.600 [Removed]**

46. By removing § 153.600.

47. By adding a new § 153.602 to read as follows:

**§ 153.602 Special requirements for cargoes reactive with water.**

When table I refers to this section, the air inlet to the pressure-vacuum valve for the cargo tank must be located at least 2m (approx. 6.6 ft) above the weatherdeck.

48. By revising § 153.808 to read as follows:

**§ 153.808 Examination required for a Letter of Compliance.**

To be issued a Letter of Compliance, a vessel must call at a U.S. port and be examined by the Coast Guard as prescribed in § 153.809.

**§ 153.900 [Amended]**

49. By changing the footnote numbers in § 153.900 (a) and (b) and that of the corresponding footnote to read "5."

50. By revising § 153.905 to read as follows:

**§ 153.905 Regulations required to be on board.**

No person may operate a tankship unless the most recent editions of this part, and parts 35 and 150 of this chapter are on board.

**§ 153.909 [Removed]**

51. By removing § 153.909.

52. By revising § 153.910 (d) and (e) and adding a new (f) to read as follows:

**§ 153.910 Cargo piping plan.**

(d) Shows any modifications necessary to a containment system that is to be separated as prescribed under Part 150 of this subchapter, or §§ 153.525 and 153.1020;

(e) Emphasizes the piping and equipment described in paragraphs (a), (b) and (d) of this section by using contrasting colors, line widths, or similar methods; and

(f) Shows the cargo loading rates chosen under § 153.365(b) for all applicable cargo lines.

53. By revising § 153.932(b)(2) to read as follows:

**§ 153.932 Goggles and protective clothing.**

(b) \* \* \*

(2) In a cargo pumproom, an enclosed space adjacent to a cargo tank, or a space containing part of a cargo containment system.

54. By revising § 153.934(a) and the introductory text of (b) to read as follows:

**§ 153.934 Entry into spaces containing cargo vapor.**

(a) No person may enter a cargo tank, cargo handling space, pumproom or enclosed space in the cargo area without the permission of the master.

(b) Before permitting anyone to enter a cargo tank, cargo handling space, pumproom or other enclosed space in the cargo area, the master shall make sure that—

55. By revising § 153.935(c) to read as follows:

**§ 153.935 Opening of tanks and cargo sampling.**

(c) The master shall make sure that cargoes requiring closed gauging are sampled only through the controlled sampling arrangement required by § 153.404(d).

56. By adding a new § 153.935a to read as follows:

**§ 153.935a Storage of cargo samples.**

(a) The master shall make sure that any cargo samples are stored in—

(1) A designated and ventilated space in the cargo area of the vessel; or

(2) An area approved by the Commandant (G-MHM) or the tankship's flag administration for the stowage of cargo samples.

(b) The master shall make sure that cargo sample bottles are stored—

(1) In a way that prevents shifting of the sample bottles when the vessel is at sea;

(2) In bins or containers constructed of materials that are resistant to the cargo samples; and

(3) Apart from other sample bottles containing incompatible liquids (See Part 150, Subpart A).

57. By revising § 153.940(b)(3) to read as follows:

**§ 153.940 Standards for marking of cargo hose.**

\* \* \* \* \*

(b) \* \* \*

(3) Date of the last test made as prescribed in paragraph (e) of this section; and

\* \* \* \* \*

58. By revising § 153.968(b)(2) and adding a new paragraph § 153.968(b)(5) to read as follows:

**§ 153.968 Cargo transfer conference.**

\* \* \* \* \*

(b) \* \* \*

(2) The cargo loading rates marked on the cargo piping plan or the maximum safe transfer rates.

\* \* \* \* \*

(5) The signal to be used to prevent a tank overflow as required by § 153.408(d).

\* \* \* \* \*

59. By revising § 153.975(f) to read as follows:

**§ 153.975 Preparation for cargo transfer.**

\* \* \* \* \*

(f) The cargo high level alarms, tank overflow alarms and overflow control systems are functioning correctly when the cargo is loaded.

\* \* \* \* \*

60. By revising § 153.977 to read as follows:

**§ 153.977 Supervision of cargo transfer.**

The person in charge of cargo transfer shall—

(a) Supervise the operation of cargo system valves;

(b) Monitor the cargo loading rate to ensure it does not exceed that stated on the cargo piping plan; and

(c) Monitor the cargo level in the tanks to make sure they do not overflow.

61. By adding a new section § 153.980 to read as follows:

**§ 153.980 Isolation of automatic closing valves.**

The person in charge of cargo transfer may isolate automatic closing valves described in § 153.408(b) from a cargo containment system if the following conditions are met:

(a) The containment system carries products to which § 153.408 does not apply.

(b) The valves are isolated by—

(1) Removing the valves; or

(2) Installing removable pipes and blind flanges to by-pass the valves.

62. By adding a new section § 153.1002 to read as follows:

**§ 153.1002 Special operating requirements for heat sensitive cargoes.**

When table I refers to this section, the master shall make sure that—

(a) The cargo temperature is maintained below the temperature that would induce polymerization, decomposition, thermal instability, evolution of gas or reaction of the cargo;

(b) Any heating coils in the cargo tank are blanked off; and

(c) The cargo is not carried in uninsulated deck tanks.

63. By adding a new section § 153.1004 to read as follows:

**§ 153.1004 Inhibited and stabilized cargoes.**

(a) Before loading a cargo containment system with a cargo referenced to this section in table I, the person in charge of cargo transfer shall make sure that the cargo containment system is free of contaminants that could—

(1) Catalyze the polymerization or decomposition of the cargo; or

(2) Degrade the effectiveness of the inhibitor or stabilizer.

(b) The master shall make sure that the cargo is maintained at a temperature which will prevent crystallization or solidification of the cargo.

64. By revising § 153.1010 (a) and (c) and adding a new paragraph (d) to read as follows:

**§ 153.1010 Alkylene oxides.**

(a) Before each loading of a cargo containment system with a cargo referenced to this section in table I, the person in charge of cargo transfer shall—

(1) Unless the tankship is equipped with independent cargo piping that meets paragraph (d) of this section—

(i) Obtain verification from a Coast Guard Marine Inspector or from a representative of the tankship's flag administration that separation of the alkylene oxide piping system complies with alkylene oxide handling plans approved by the Coast Guard or the tankship's flag administration; and

(ii) Make sure that each spectacle flange and blank flange connection that is required to separate alkylene oxide piping systems from other systems has a wire and seal attached by a Coast Guard Marine Inspector or a representative of the tankship's flag administration.

(2) Purge the containment system until the oxygen content of the cargo tank is less than 2% by volume.

\* \* \* \* \*

(c) While alkylene oxides are onboard the vessel, the master shall make sure that the oxygen content of the vapor space above the alkylene oxide and those spaces specified in § 153.530 (k) and (l) is maintained below 2% by volume.

(d) Tankships with independent piping for alkylene oxides must have onboard—

(1) Alkylene oxide handling plans approved by the Coast Guard or the tankship's flag administration; and

(2) Certification from the Coast Guard or the tankship's flag administration that the cargo piping for alkylene oxides is independent.

65. By revising § 153.1011 to read as follows:

**§ 153.1011 Changing containment systems and hoses to and from alkylene oxide service.**

(a) The person in charge of cargo transfer shall make sure that—

(1) No alkylene oxide is loaded into a containment system that last carried a cargo other than an alkylene oxide unless the containment system has been cleaned to remove heavy rust accumulations and all traces of previous cargoes;

(2) No alkylene oxide is loaded into a containment system that within the previous three loadings carried a cargo listed in paragraph (b) of this section unless the containment system has been cleaned to the satisfaction of a Coast Guard Marine Inspector or a person specifically authorized by the Commandant (G-MHM) to approve alkylene oxide tank cleaning;

(3) No cargo but an alkylene oxide is loaded into a containment system which last carried an alkylene oxide unless the containment system has been cleaned of alkylene oxide to the satisfaction of a Coast Guard Marine Inspector or person

specifically authorized by the Commandant (G-MHM) to approve alkylene oxide tank cleaning; and

(4) No hose marked "For Alkylene Oxide Transfer Only" is used for the transfer of a cargo other than an alkylene oxide.

(b) The following cargoes are particularly reactive with alkylene oxides:

- (1) Non-oxidizing mineral acids (e.g. hydrochloric, phosphoric);
- (2) Sulfuric acid;
- (3) Nitric acid;
- (4) Organic acids (e.g. acetic, formic);
- (5) Halogenated organic acids (e.g. chloroacetic);
- (6) Sulfonic acids (e.g. alkyl benzene sulfonic);
- (7) Caustic alkalies (e.g. caustic soda, caustic potash; sodium hydrosulfide);
- (8) Ammonia and ammonia solutions;
- (9) Aliphatic amines;
- (10) Alkanolamines; and
- (11) Oxidizing substances.

66. By revising § 153.1020(a) to read as follows:

**§ 153.1020 Unusually toxic cargoes.**

(a) No person may load or carry a cargo referenced to this section in table I unless the cargo's piping and venting systems are separated from piping and venting systems carrying cargoes not referred to this section.

\* \* \*

67. By revising § 153.1025(b)(1) to read as follows:

**§ 153.1025 Motor fuel antiknock compounds.**

\* \* \*

(b) \* \* \*

(1) The pumproom or void space atmosphere has been analyzed for its lead (as Pb) content and found to be less than 0.075 mg/m<sup>3</sup>; or

\* \* \*

68. By revising § 153.1052 to read as follows:

**§ 153.1052 Carriage of other cargoes in acid tanks.**

No person may load or carry other cargoes in a cargo containment system endorsed to carry sulfuric acid, hydrochloric acid, or phosphoric acid without specific authorization from the Commandant (G-MHM).

**§ 153.1055 [Removed]**

69. By removing § 153.1055.

70. By revising Appendix I to read as follows:

**Appendix I—List of Cargoes Not Regulated Under Part 151, Part 153 or Subchapter D**

The following bulk liquid cargoes may be carried in tank vessels having neither a Certificate of Inspection under Subchapter D (Tank Vessels) nor a Letter of Compliance under Part 153:

Ammonium nitrate solution (34% or less)  
Ammonium nitrate, urea, water solution, 2% or less NH<sub>4</sub>  
Ammonium phosphate solution  
Ammonium phosphate, urea, water solution  
Ammonium polyphosphate  
Ammonium sulfate solution (20% or less)  
Apple juice  
Calcium bromide solution  
Calcium chloride in water  
2-Chloro-4-ethylamino-6-isopropylamino-5-triazine, water solution  
Choline chloride solutions  
Glucose solution  
Hexamethylene diamine adipate  
Kaolin clay slurry  
Lignin liquor (Calcium lignosulfonate, water solution)

Magnesium chloride solution  
Magnesium hydroxide suspensions in water  
Molasses  
Pentasodium salt of Diethylene triamine pentaacetic acid, water solution  
Sewage sludge, treated so as to pose no additional decomposition and fire hazard  
Sludge (stable, non-corrosive, non-toxic, non-flammable)  
Sodium carbonate solutions  
Sodium lignosulfonates, Sodium hydroxide (not exceeding 1% by weight), water solutions  
Sodium naphthenate solutions (free alkali content, 3% or less)  
Sodium polyacrylate solution  
Sodium silicate solution  
Sorbitol in water  
Tetrasodium salt of Ethylene diamine tetraacetic acid, water solution  
1,1,1-Trichloroethane (Methyl chloroform)  
1,1,2-Trichloro-1,2,2-trifluoroethane  
Trisodium salt of n-hydroxyethyl ethylenediamine triacetic acid, water solution  
Urea in water  
Water  
Zinc bromide/Calcium bromide solution  
Mixtures solely of the cargoes in this list.

**Appendix III [Amended]**

71. Appendix III to Part 153 is amended in the column headed *Equivalent to English or Common Metric* by revising the entry reading "1×10<sup>-2</sup>kg/cm<sup>2</sup>" to read "1.02×10<sup>-2</sup>kg/cm<sup>2</sup>".

(46 U.S.C. 170; 46 U.S.C. 391a; 49 U.S.C. 1803; 49 CFR 1.46 (n)(4) and (i))

Dated: May 3, 1982.

Clyde T. Lusk,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-13073 Filed 5-14-82; 8:45 am]

BILLING CODE 4910-14-M

# Federal Register

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Monday  
May 17, 1982

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## Part IV

## Department of Justice

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### Antitrust Division

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United States of America v. Western  
Electric Company, Inc., et al. and United  
States of America v. American Telephone  
& Telegraph Company et al.; Notice  
Concerning Public Comments and  
Response

## DEPARTMENT OF JUSTICE

## Antitrust Division

**United States of America v. Western Electric Company, Inc., et al., Civil Action No. 82-0192 (D.D.C.) and United States of America v. American Telephone & Telegraph Company, et al., Civil Action No. 74-1698 (D.D.C.); Notice Concerning Public Comments and Response Thereto**

Notice is hereby given that on May 10, 1982, the United States Department of Justice issued the following announcement concerning the proposed Modification of Final Judgment in *United States v. Western Electric Company, Inc., et al.*, Civil Action No. 82-0192 (D.D.C.):

## Text of Announcement

The Justice Department announced today that the U.S. District Court for the District of Columbia, where the United States' antitrust litigation against AT&T is pending, has (1) permitted an extension of time for the Department to file its response to comments on the proposed Modification of Final Judgment, and (2) approved certain procedures to be used in lieu of Federal Register publication of all comments on the proposed modification.

The new date for filing with the court of the Department's response to comments is May 20, 1982, with Federal Register publication of the response to occur no later than May 27.

The court also approved the Department's request to be relieved of the obligation to publish in the Federal Register the approximately 8,750 pages of comments it has received. The comments would have filled about 1,500 pages of the Federal Register at a cost to the Antitrust Division of more than \$600,000.

The Department, in order to insure that the comments are available to interested persons, will:

(1) Publish in the Federal Register by May 27, 1982, the name and address of each person filing a comment, with a statement of the number of pages in the comment;

(2) Make available for inspection by the public at each of the 27 District Courts listed below a copy of each comment received;

(3) Within fifteen days of receipt, provide to any person requesting it a copy of any designated comment or comments, at the nominal charge of one cent per page;

(4) Within fifteen days of receipt, provide to any person requesting it a copy of any or all of the microfilm reels

containing the comments, at a charge of \$15.00 per reel.

Requests for copies of the comments should be directed to: Eric Donovan, U.S. Department of Justice, Antitrust Division, Room 1028 SAFE, Washington, D.C. 20530.

Telephone requests should be directed to Donovan on (202) 724-5790. Written requests should include a check or money order in the proper amount made payable to the Treasurer of the United States.

The U.S. District Courts at which the full text of the comments may be inspected are in the following cities:

Washington, D.C.; Newark, New Jersey; Los Angeles, San Francisco, and San Diego, California; Denver, Colorado; Jacksonville and Miami, Florida; Atlanta, Georgia.

Also, Chicago, Illinois; New Orleans, Louisiana; Baltimore, Maryland; Boston, Massachusetts; Detroit, Michigan; Minneapolis, Minnesota; St. Louis, Missouri; New York City (Manhattan), New York; Cleveland, Akron and Cincinnati, Ohio.

Also Philadelphia and Pittsburgh, Pennsylvania; Dallas and Houston, Texas; Richmond, Virginia; Seattle, Washington; and Milwaukee, Wisconsin.

In further compliance with the Court's order, there follows a list of the names and addresses of the persons who filed comments concerning the proposed Modification of Final Judgment, indicating the number of pages in each comment:

Andrew Abbott, c/o Ms. Mary C. Parkin, 2809 Arlington Boulevard, Apt. 201, Arlington, Virginia 22201 (pgs. 4).

Ad Hoc Telecommunications Users Committee, James S. Blaszk, Esquire, McKenna, Wilkinson & Kittner, 1150 17th Street, NW., Washington, District of Columbia 20036 (pgs. 61).

Len Adamowicz, 8 Allen Street, Cambridge, Massachusetts 02140 (pgs. 2).

Katherine C. Akona, 225 Kaiulani Avenue, Apt. 601, Honolulu, Hawaii 96815 (pgs. 1).

State of Alabama, Charles A. Graddick, Esquire, Attorney General (pgs. 2).

Joint Comments of the State of Alabama, et al., Stephen H. Sachs, Esquire, Attorney General for Maryland, 131 East Redwood Street, Suite 701, Baltimore, Maryland 21202 (pgs. 29).

Wayne Albin, 10733 2nd NW., Seattle, Washington 98177 (pgs. 20).

Mildred Aller, 16065 Ireland Road, Mishawaka, Indiana 46544 (pgs. 2).

American Bankers Association, Gerald M. Lowrie, Executive Director, 1120

Connecticut Avenue, NW., Washington, District of Columbia 20036 (pgs. 5).

American Electronics Association, Kenneth C. O. Hagerty, Vice President, Government Operations, 1612 K Street NW., Washington, District of Columbia 20036 (pgs. 2).

American Hospital Association, Bernard Dickens, 840 North Lake Shore Drive, Chicago, Illinois 60611 (pgs. 2).

American Newspaper Publishers Association, Katherine M. Holden, Esquire, Kirkland & Ellis, 1776 K Street, NW., Washington, District of Columbia 20006 (pgs. 48).

American Petroleum Institute, Wayne V. Black, Esquire, Keller and Heckman, 1150 17th Street, NW., Suite 1000, Washington, District of Columbia 20036 (pgs. 21).

American Satellite Company, Joan M. Griffin, Esquire, 1801 Research Boulevard, Rockville, Maryland 20850 (pgs. 11).

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Persons desiring copies of any  
designated comment or comments are  
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forth above.

Joseph H. Widmar,

*Director of Operations, Antitrust Division.*

[FR Doc. 82-13307 Filed 5-14-82; 8:45 am]

BILLING CODE 4410-01-M

# Federal Register

Monday  
May 17, 1982

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## Part V

### Department of Justice

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Office of Juvenile Justice and  
Delinquency Prevention

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Formula Grants for Juvenile Justice; Final  
Rule With Request for Comments

**DEPARTMENT OF JUSTICE****Office of Juvenile Justice and  
Delinquency Prevention****28 CFR Part 31****Formula Grants for Juvenile Justice**

**AGENCY:** Office of Juvenile Justice and Delinquency Prevention, Justice.

**ACTION:** Notice of final rule with request for comments.

**SUMMARY:** The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is publishing for public comment a regulation to implement the Valid Court Order amendment to Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, as amended.

This regulation establishes a basic framework within which State law or procedure may permit non-criminal juvenile offenders who violate valid court orders to be placed in secure facilities.

**DATE:** All comments are due on or before June 16, 1982. Unless final comments raise major issues not already considered by OJJDP which result in modification of the regulation, the regulation will become effective on July 1, 1982.

**ADDRESS:** Send all comments to David D. West, Director, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

**FOR FURTHER INFORMATION CONTACT:** Frank M. Porpotage, II, Formula Grants and Technical Assistance Division, OJJDP, 633 Indiana Ave., N.W., Washington, D.C. 20531 Telephone: (202) 724-5911.

**SUPPLEMENTARY INFORMATION:** On December 31, 1981, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) published in the *Federal Register* final regulations to implement the formula grant program authorized by Part B, Subpart I, of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. These regulations, 28 CFR Part 31, reserved § 31.303(i)(3), Valid Court Order, because of the substantial comment and criticism received in response to the draft of this section of the regulation. The reserved regulation would implement the Valid Court Order amendment to Section 223(a)(12)(A) of the JJDP Act. The Juvenile Justice Amendments of 1980 (Pub. L. 96-509, December 8, 1980) amended this provision of the JJDP Act to exempt juveniles who commit offenses which constitute violations of a valid court

order from the scope of the deinstitutionalization requirement.

On February 9, 1982, OJJDP published in the *Federal Register* a notice of public hearings and request for additional written comment on proposals to implement the Valid Court Order amendment. In response to this notice, 31 written comments were received. In addition, 16 individuals testified at public hearings held in Washington, D.C. and Denver, Colorado. OJJDP has reviewed all written comments and testimony in the preparation of the revised valid court order regulation.

At the outset, there are several matters of which interested parties should be aware in reviewing the regulation. First, some commentators expressed opposition to publication of any regulation providing a Valid Court Order exception to the deinstitutionalization requirement, expressing the opinion that there is a danger that their State's progress since 1974 in removing non-criminal children from secure confinement could be undermined by such an exception. Congress debated this matter at length in considering the Juvenile Justice Amendments of 1980. There was vigorous subcommittee, committee, and floor debate in the House of Representatives. The House approved the amendment by a vote of 235-123. The Senate subsequently passed the House bill without amendment. Thus, there is no option in the matter of developing guidance to the States in the implementation of this change in the Federal statute.

Second, in developing the regulation, OJJDP has been mindful of the need to formulate a regulation which will preserve the deinstitutionalization thrust of the JJDP Act yet provide juvenile and family courts with the ability to enforce their lawful orders. Congress clearly did not intend to reverse the substantial progress that participating States have made in achieving deinstitutionalization. Further, the legislative history of the amendment clearly indicates that Congress wanted the exception applied to status offenders who chronically fail to follow court orders and anticipated that juvenile and family court judges would use the exception only where necessary to preserve the courts' authority to enforce their orders and to carry out their responsibility to rehabilitate and protect juvenile offenders.

Third, it is important to note that the Valid Court Order exception language to Section 223(a)(12)(A) does not grant any legal authority to State and local governments or to juvenile courts to place juveniles in secure incarceration.

The granting or withholding of such authority, as well as the attendant procedures and due process protections, are matters of State law and policy, applicable Constitutional protections, court rules, and proceedings. The JJDP Act establishes minimum requirements which must be met for a State to be eligible for a formula grant award. The scope of these requirements is established by the law itself and OJJDP's implementing policies and regulations. The latter are restricted by Congressional intent as expressed in the legislative history and guided by the Congressional purposes and objectives which provide the framework for all of OJJDP's programs. Thus, the Valid Court Order regulation should be viewed as establishing a basic framework within which States can act, if they so choose, to permit non-criminal juvenile offenders who violate valid court orders to be placed in secure facilities under Section 223(a)(12)(A). If individual State laws and procedures operate in a manner that is consistent with this regulation, the State will be in compliance with the Section 223(a)(12)(A) plan requirement. If not, then the State may be in noncompliance and be ineligible for funding under the Act. OJJDP views its role as establishing minimum constraints consistent with Congressional intent, the purposes of the JJDP Act, and established principles of due process. If States and their juvenile courts wish to permit the exercise of judicial authority consistent with the valid court order exception, the regulation provides a starting point from which they may further consider the matter. OJJDP will not attempt to structure a regulation which anticipates or speculates on possible judicial positions on complex due process legal issues which may or may not arise under a variety of potential regulatory positions.

Fourth, the Valid Court Order exception is not necessarily based on a juvenile court's exercise of its common law or inherent criminal or civil contempt power, the exercise of statutory contempt power, or the existence of a juvenile code provision which categorizes a violation of a valid court order as a "delinquent" offense. One rationale for the amendment was to obviate the need for courts to use their criminal contempt power as a means of obtaining compliance with court orders. Further, OJJDP's legal counsel has ruled that a violation of a court order by a status offender is an insufficient legal basis to categorize the juvenile as a criminal-type or delinquent offender, thus removing the juvenile from the

deinstitutionalization requirement. As OJJDP views it, the amendment simply provides that if a State wants to allow a juvenile who has been adjudicated for an act which would not be criminal if committed by an adult to be placed in secure detention for the violation of a juvenile or family court order resulting from such adjudication, it may make provision in State law, policy or procedure for such detention in a manner that would not be inconsistent with the Section 223(a)(12)(A) deinstitutionalization requirement of the JJDP Act. The details of how a State would provide for this, if at all, are left up to the State to determine within the basic framework established by the regulation.

Fifth, OJJDP believes it is unnecessary to regulate in a manner that presumes bad faith on the part of State or local officials and juvenile and family court judges. We believe that underlying trust is required and that the record of the vast majority of the States in implementing the Act since 1974 fully justifies such trust. State and local officials and juvenile and family court judges have consistently demonstrated a commitment to implementing the JJDP Act's mandates and objectives. We are confident that this commitment will result in careful and rational implementation and use of the valid court order exception in those jurisdictions which choose to provide their juvenile courts with this authority.

Sixth, OJJDP has consulted and used the Standards adopted by the National Advisory Committee for Juvenile Justice and Delinquency Prevention in reviewing comments and testimony and in adopting some of the changes in the proposed regulation. Although the Standards do not authorize secure detention or confinement for a violation of a valid court order pursuant to an adjudication for non-criminal behavior (status offenses), the Standards were used to determine appropriate procedural protections consistent with the legislative history and other provisions of the Act.

Finally, readers are advised to note carefully the distinctions to be drawn between the words "must" and "should" throughout the guideline and explanatory text. Use of the word "must" indicates mandatory matters, while the word "should" is directory or suggestive only. Other matters which were the subject of comment and worthy of review and consideration by States and juvenile and family court judges are briefly discussed in the "other comments" Section.

### Explanation of Changes

The following discusses the changes proposed to be made to the draft regulation published in the Federal Register on September 3, 1981. The changes are based on substantial and persuasive comments presented to OJJDP in written testimony and at the public hearings held in Washington, D.C. and Denver, Colorado.

(1) Subparagraph (iii) of § 31.303(i)(3) is changed to require that the judge provide, at the initial adjudicatory/dispositional hearing, a written warning of the consequences of violating the court order. At the time the order is issued, this warning must be provided to both the juvenile and his/her attorney and/or legal guardian. It should clearly state that a violation of the court order could result in the secure incarceration of the juvenile and/or other consequences. If an attorney is representing the juvenile, the attorney must be provided a copy of the written warning. The warning must also be reflected in the court record and proceedings.

This change in the draft regulation is based on Standard 3.188, Dispositional Hearings, contained in the *Standards for the Administration of Juvenile Justice, Report of the National Advisory Committee for Juvenile Justice and Delinquency Prevention* (hereafter referred to as the NAC Standards). This standard states that the family court judge should explain the terms of the disposition and should state, on the record, the facts and reasons underlying the dispositional decision. Having the judge explain the terms of the order and the facts and reasons on which the disposition is based, followed by a written warning of the possible consequences of violating the court order, constitutes, in OJJDP's view, the adequate and fair warning anticipated by the amendments and legislative history. The court's articulation of the reasons underlying the court order and the consequences of violating that order will serve to avoid misunderstandings of both the conditions imposed and the potential consequences of violating the order.

(2) Subparagraph (iv) of § 31.303(i)(3) is changed to clarify and delineate the conditions which must be present to securely detain, beyond the 24-hour "grace period," a status offender accused of violating a valid court order. First, a hearing must be held and a judicial determination made within 24 hours of a juvenile being placed in secure custody (exclusive of Saturdays, Sundays, and legal holidays) that there is probable cause to believe the juvenile

violated the court order. Second, the court must also determine that the juvenile has a recent record of willful failure to appear at family court proceedings or a recent record of violent conduct resulting in physical injury to self or others.

This modification is based on NAC Standard 3.155, Initial Review of Detention Decisions, which provides that in delinquency proceedings, a probable cause (or detention) hearing should be held before a family court judge no more than twenty-four hours after a juvenile has been taken into custody. At that hearing, the State should establish that there is probable cause to believe that a violation of the terms of the order was committed by the juvenile subject to the order. If probable cause is established, the court should next review the necessity for continued detention. Unless the State demonstrates by clear and convincing evidence that continued secure detention is warranted pending the violation hearing, the court should place the juvenile in the least restrictive form of release consistent with the purposes and factors set forth in NAC Standard 3.153, Criteria and Procedures for Detention and Release—Noncriminal Misbehavior.

At the inception of the hearing, the judge should assure that the juvenile understands his/her right to counsel, should appoint an attorney to represent the juvenile if the juvenile is not already represented by counsel, and meets the eligibility requirements set forth in NAC Standard 3.132, Representation by Counsel—For the Juvenile.

OJJDP's position, strongly supported by the comment and testimony, is that status offenders, including those accused or found to have violated a valid court order, will seldom need to be detained in secure detention or correctional facilities. Such juveniles should, whenever possible, be released to a parent or legal guardian or be placed in a foster home or shelter facility pending an adjudicatory violation, or dispositional hearing or as a dispositional alternative.

The legislative history of the "valid court order" amendment reflects the fact that this exception was intended by the Congress to give the juvenile or family court judge the ability to enforce valid court orders by authorizing secure incarceration of those status offenders who "continually flout the will of the court," who "chronically refuse voluntary treatment," or who are considered "chronic offenders" as the result of a pattern of continued violations of the court's orders. The

legislative history also states that the judicial discretion to securely detain a status offender for violating a valid court order "would be rarely used as far as a juvenile judge would go." Thus, consistent with NAC Standard 3.152, Criteria for Detention in Secure Facilities, and the legislative history, the regulation was modified.

The regulation now provides that, where it has been judicially determined that there is probable cause to believe a status offender violated a valid court order, secure detention pending the violation hearing may be authorized if the juvenile has a demonstrable recent record of willful failure to appear in court or a demonstrable recent record of violent conduct resulting in physical injury to self or others. This provision of the regulation is consistent with the basic principles regarding the use of short-term secure settings pending adjudication or disposition. Secure detention prior to a violation hearing should only be used when it is needed to assure appearance in court or for protective purposes and should not be used as a punitive measure. If a juvenile accused of violating a valid court order has no recent history of failing to appear in court, then there is no need to securely hold the juvenile to assure court appearance. Similarly, if the juvenile has no recent record of violent conduct resulting in physical harm to self or others, there is no need to securely detain the juvenile for protective purposes. The term "demonstrable record" is not intended to require introduction of a certified copy of a prior adjudication order or certified documents that the juvenile has recently and willfully failed to appear at family court proceeding, but should include more than mere allegations of prior failure to appear or violent conduct.

(3) Subparagraph (iv) of § 31.303(i)(3) is modified to provide that the period of time a status offender may be held after the probable cause hearing and pending a violation hearing should be such period of time provided by State law but in no event *should* detention prior to the violating hearing exceed 72 hours exclusive of Saturdays, Sundays, and legal holidays. The use of the term "should" in this section of the regulation provides States with the flexibility to accommodate existing State law and policy. State laws vary on the maximum length of secure detention permitted before and adjudicatory or fact-finding hearing must be held. Clearly, a factor in determining the time frame between the probable cause hearing (if any) and the hearing on the valid court order

violation would include adequate time to obtain counsel and prepare witnesses and evidence for the hearing. The factual issues would generally not be complex. Therefore, OJJDP's position is that if secure detention based on a probable cause determination is to be permitted in the specific circumstances, the detention should not exceed 72 hours exclusive of nonjudicial days. OJJDP is establishing the 72-hour benchmark based upon a substantial number of comments and recommendations which supported a 72-hour time frame. Some States have already considered this question and established time frames. Neither the statute nor the legislative history would support any Federal regulation interference in these enactments.

(4) Subparagraph (vi) of § 31.303(i)(3) is modified to require that the judge presiding over an initial probable cause hearing, and at a violation hearing, determine on the record that all the elements of a valid court order, and the full range of *Gault* rights, have been afforded the juvenile before any order is entered which results in secure confinement. The regulations also require a judicial determination on the record that there is no less restrictive alternative appropriate to the needs of the juvenile and the community before an order is entered authorizing secure placement either pending the violation hearing or as a disposition after a determination that the juvenile violated a valid court order. These two determinations assure that the court has provided full due process. Before a juvenile can be placed in secure detention based on a finding of probable cause, the judge must determine on the record that all due process rights (*Gault*) were afforded the juvenile at the initial adjudicatory hearing which resulted in the order or at the probable cause hearing itself. All the due process rights must be provided the juvenile at the violation hearing and the judge must determine on the record that these rights were afforded the juvenile prior to or at the time of entering an order authorizing a disposition of placement in a secure facility.

The basis for the requirement of a judicial determination that there is no less restrictive alternative appropriate to the needs of the juvenile is based upon both the legislative history of the valid court order amendment and specific statutory language contained in Section 223(a)(12)(B) of the JJDP Act, as amended. As stated in the supplemental views on the Juvenile Justice Amendments of 1980 from the Report of the House Committee on Education and

Labor, the purpose of the JJDP Act is "to discourage the placement of juveniles in secure facilities unless there is no rational alternative to incarceration." The Report further states that the intent of the Act is to provide sufficient resources and incentives to insure that alternatives are available and "that there would be few, if any, instances where juvenile status offenders or non-offenders would be incarcerated."

(5) A new subparagraph (vii) is added to § 31.303(i)(3) of the regulation to provide that a non-offender such as an abused, dependent, or neglected child cannot be placed in a secure detention or correctional facility for the violation of a valid court order. The House debate on the valid court order amendment and the specific wording of the amendment to Section 223(a)(12)(A) appear to exclude non-offenders from the coverage of the amendment. Further, we are convinced by the testimony and comments that the potential harm to this group of children from secure incarceration far outweighs any foreseeable need for a court to require the sanction of a secure placement for a child who is before the court as a victim rather than an offender.

The prohibition on placing non-offenders in secure facilities is consistent with NAC Standard 3.154, which states that juveniles subject to the neglect and abuse jurisdiction of the family court should not be placed in detention or correctional facilities.

#### Discussion of Other Comments

The OJJDP received many recommendations which, while serving to add to the protection of status offenders subject to secure placement, are matters which can more appropriately be addressed by State law, policy, and procedure, or which are not supported by the legislative history of the Amendment. A brief explanation of these recommendations and OJJDP's rationale for *not* including the proposals in the final regulation follows.

1. *Recommendation:* At the initial adjudication or other court proceeding in which the court order regulating future conduct was entered, require that the full range of due process rights specified in *In re Gault* be provided the juvenile status offender or, at a minimum, that the juvenile have the right to counsel at the proceeding.

*OJJDP Response:* This recommendation is not supported by the legislative history of the Amendment. Had Congress intended to restrict the valid court order exception to those States which provide the full range of due process rights at all status offender

proceedings which result in a court order regulating conduct, it would have done so clearly and explicitly.

Although many States provide a right to counsel for juveniles alleged to be status offenders, others have not extended the right to counsel to non-criminal proceedings, taking a narrow view of the Supreme Court's holding in *In re Gault*. OJJDP takes the position that Congress intended that full due process be provided to the juvenile prior to any secure placement and has provided in the revised regulation that full due process must be provided at either the adjudicatory hearing or the probable cause hearing in order to support a temporary detention pending a violation hearing and at the violation hearing itself.

**2. Recommendation:** The regulation should allow a "grace period" for the detention of status offenders alleged to have violated a court order of 48 or 72 hours rather than OJJDP's existing 24 hour time frame.

**OJJDP Response:** The 24-hour "grace period," which permits temporary custody of non-criminal children for up to 24 hours, exclusive of non-judicial days (i.e., holidays or weekends), has been a longstanding policy of the JJDP Act program. It is a monitoring exception intended solely to provide for investigation, processing, and release to home or other non-secure alternative. A probable cause hearing involving readily determinable and narrow factual issues or release of the juvenile to a non-secure setting should be possible within the 24-hour time frame.

**3. Recommendation:** The term "court of competent jurisdiction" (§ 31.303(i)(3)(iv)) should be defined so that a juvenile would only be subject to valid court order violation proceedings before the same judge in the same court in which the order was entered.

**OJJDP Response:** The regulation has not been modified to provide that the juvenile is subject to valid court order violation proceeding only before the same judge or the same court. Commentators generally disagreed with the proposal to limit the proceedings before the same judge. A different judge may add an element of objectivity needed in a State where the violation hearing is the court's criminal contempt power. Further, in some rural jurisdictions there may only be a single judge available. In either event, a Federal regulation could never specify which judge should be used in any proceeding without creating unreasonable problems for some jurisdictions. No basis in the statute or legislative history exists for either position.

**4. Recommendation:** The regulation should establish some gravity guidelines (i.e., chronicity standards) to be used by the courts in determining whether the behavior of the alleged violator is sufficiently serious to warrant a finding of a violation of a valid court order.

**OJJDP Response:** This is a matter for the individual States to consider. Congress clearly did not intend that courts use the valid court order exception for trivial matters or trivial violations. However, States are in a far better position to establish appropriate guidelines, court rules or law to regulate this type of matter. A Federal regulation on such a matter would only serve to create legal issues as States tried to implement it and conform State substantive or procedural law to subjective criteria or a Federal regulatory position with no clear statutory basis.

**5. Recommendation:** The regulation should specify the type of evidence necessary to initiate or prove that a court order has been violated.

**OJJDP Response:** See response No. 4.

**6. Recommendation:** The regulation should address the question of who would have standing to allege a violation of a valid court order. To safeguard against unsupported and insubstantial allegations, only a person directly aggrieved by the alleged violative conduct should be able to bring a violation petition.

**OJJDP Response:** See response No. 4.

**7. Recommendation:** The regulations should mandate that in order for a child to be found to have violated a valid court order, it must be proven that the behavior was intentional, voluntary, and without just cause.

**OJJDP Response:** See response No. 4.

**8. Recommendation:** Any duly authorized officer of the court, acting on behalf of a judge, should be empowered to determine a valid court order violation.

**OJJDP Response:** The determination of a valid court order violation, to support a sanction of secure placement, must be the result of a judicial and not an administrative proceeding. For example, if a referee in a particular jurisdiction has the authority to assert the court's jurisdiction over a status offender, hold a hearing on the facts, determine the legal rights of the parties in a judicable controversy, and enter a judgment and/or remedy in accordance with established legal principles, then a referee could, like a judge, be authorized to order secure confinement of a juvenile under the valid court order amendment. Also, refer to response No. 4.

**9. Recommendation:** Any court order violation on which a subsequent disposition of incarceration is based should bear "a reasonable relationship to the underlying status offense."

**OJJDP Response:** While OJJDP believes that the conduct required by a court order should reasonably relate to the status offense on which the adjudication and order are based, we have concluded that this matter is best addressed by State law and procedure. See response No. 4.

**10. Recommendation:** In deciding the disposition of a juvenile found to have violated a valid court order, the judge should be required to find "beyond a reasonable doubt" that there is no less restrictive alternative available than secure confinement.

**OJJDP Response:** The standard of proof for judicial determinations or dispositions is a matter of law which should be determined by State law and court decision. See response No. 4.

**11. Recommendation:** The regulations should prohibit the commingling of those persons found to have violated a valid court order from juveniles charged with crimes or adjudicated as a juvenile criminal-type offender.

**OJJDP Response:** There is no congressional intent to prohibit such commingling of these types of offenders in detention or correctional facilities. See discussion in No. 12 below.

**12. Recommendation:** Status offenders found to have violated a valid court order should never be placed in adult jails or lockups.

**OJJDP Response:** The Office agrees with the recommendation. However, each of the major provisions of the Act limiting the placement of juveniles in detention or correctional facilities has its own legislative history and thus requires one to view each provision separately. For example, the deinstitutionalization provision (Section 223(a)(12)(A)) requires full compliance within five years for participating States and longstanding OJJDP policy allows a 24-hour grace period for the detention of status offenders held in a secure detention or correctional facility. Further, the separation provision (Section 223(a)(13)) requires immediate implementation by the States and allows no more than haphazard or incidental contact between adults and juveniles held in secure detention or correctional facilities. Finally, the jail removal provision (Section 223(a)(14)) requires full compliance within five years and provides for a six-hour grace period for juvenile criminal-type offenders to be held in adult jails or lockups.

Thus, in a specific jurisdiction, the following scenario would exist with regard to the placement of a valid court order violator in an adult jail or lockup:

(a) For compliance purposes with Section 223(a)(12)(A), the placement would be permissible for up to 24 hours exclusive of non-judicial days. However, after that period, it would be reported as a violation of this requirement.

(b) For compliance purposes with Section 223(a)(13), the placement would be permissible *only* if there was no sight or sound contact between the subject juvenile and incarcerated adults.

(c) For compliance purposes with Section 223(a)(14), the placement would be in violation of the jail removal requirement.

Each State monitors and reports on compliance with each provision of the Act separately. For example, most participating States have reached or nearly reached the statutory time frame for Section 223(a)(12)(A) but participating States are now just beginning to address the jail removal provision. In summary, this recommendation did not become part of the regulations due to the unique nature of each provision.

13. *Recommendation:* The OJJDP should establish within the regulations a maximum number of status offenders who can be held as valid court violators in any single jurisdiction.

*OJJDP Response:* This recommendation finds no support in the legislative history and would be impractical to implement. The Office will, however, review the use of this authority through individual State monitoring reports. If these reports demonstrate a pattern or practice of substantial overuse, the situation would be reported to the Congress for possible legislative action. See response No. 4.

14. *Recommendation:* The OJJDP should regulate the maximum length of secure confinement for a valid court order violator, i.e., ten days or until the juvenile agrees to follow the order.

*OJJDP Response:* Again, the recommendation lacks a basis in Congressional intent. The Office expects that the States will address this matter through State law, court rules, or policy. See response No. 4.

15. *Recommendation:* The OJJDP regulations should address the time limits on secure detention of out-of-state runaways.

*OJJDP Response:* This issue is beyond the scope of the valid court order provision. The experience of the States has shown that there are few instances where the out-of-state runaway needs to be held beyond the 24-hour grace period. For those instances when it is necessary, the criteria for de minimis exceptions to full compliance with

Section 223(a)(12)(A) (See 46 FR 2566-2569) has a provision to consider the holding of out-of-state runaways as an exceptional circumstance when such holding meets specified criteria. See response No. 4.

This announcement does not constitute a "major" rule as defined by Executive Order 12291 because it does not result in: (a) An effect on the economy of \$100 million or more; (b) a major increase in any costs of prices; or (c) adverse effects on competition, employment, investment, productivity, or innovation among American enterprises.

#### List of Subjects in 28 CFR Part 31

Grant programs—law, Juvenile delinquency.

Finally, because this regulation will not have significant economic impact on a substantial number of small entities, no analyses of the impact of these rules on such entities is required by the Regulatory Flexibility Act, U.S.C. 601, *et seq.*, 28 CFR Part 31 is accordingly amended by adding a new § 31.303(i)(3) to read as follows:

#### PART 31—FORMULA GRANTS

##### § 31.303 Substantive requirements.

\* \* \* \* \*

(i) \* \* \*

(3) *Valid Court Order.* For the purpose of determining whether a valid court order exists and a juvenile has been found to be in violation of that valid order all of the following conditions must be present prior to secure incarceration:

(i) The juvenile must have been brought into a court of competent jurisdiction and made subject to an order issued pursuant to proper authority. The order must be one which regulates future conduct of the juvenile.

(ii) The court must have entered a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedures.

(iii) The juvenile in question must have received adequate and fair warning of the consequences of violation of the order at the time it was issued and such warning must be provided to the juvenile and to his attorney and/or to his legal guardian in writing and be reflected in the court record and proceedings.

(iv) All judicial proceedings related to an alleged violation of a valid court order must be held before a court of competent jurisdiction. A juvenile accused of violating a valid court order may be held in secure detention beyond the 24-hour grace period permitted for a noncriminal juvenile offender under

OJJDP monitoring policy, only if: (A) There has been a judicial determination, based on a hearing *during the 24-hour grace period*, that there is probable cause to believe the juvenile violated the court order; and (B) *the juvenile has a demonstrable recent record of willful failure to appear at family court proceedings or a demonstrable recent record of violent conduct resulting in physical injury to self or others.* In such case the juvenile may be held pending a violation hearing for such period of time as is provided by State law, but in no event should detention prior to a violation hearing exceed 72 hours exclusive of nonjudicial days. A juvenile found in a violation hearing to have violated a court order may be held in a secure detention or correctional facility.

(v) Prior to and during the violation hearing the following full due process rights must be provided:

(A) The right to have the charges against the juvenile in writing served upon him a reasonable time before the hearing;

(B) The right to a hearing before a court;

(C) The right to an explanation of the nature and consequences of the proceedings;

(D) The right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(E) The right to confront witnesses;

(F) The right to present witnesses;

(G) The right to have a transcript or record of the proceedings; and

(H) The right of appeal to an appropriate court.

(vi) In entering any order that directs or authorizes disposition of placement in a secure facility, the judge presiding over an initial probable cause hearing or violation hearing must determine on the record that all the elements of a valid court order (paragraphs (i)(3), (i), (ii), (iii) of this section) and the applicable due process rights (paragraph (i)(3), (v) of this section) were afforded the juvenile and the judge must determine on the record that there is no less restrictive alternative appropriate to the needs of the juvenile and the community.

(vii) A non-offender such as a dependent or neglected child cannot be placed in secure detention or correctional facilities for violating a valid court order.

Charles A. Lauer,  
Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-13248 Filed 5-14-82; 8:45 am]

BILLING CODE 4410-18-M