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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of the Interior

Effective upon publication in the *FEDERAL REGISTER*, paragraph (m), subparagraphs (1), (2), and (3), are added to § 6.310 as set out below.

§ 6.310 Department of the Interior.

- (m) *Bureau of Outdoor Recreation.*
(1) The Director.
(2) One Associate Director.
(3) One Confidential Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 62-4215; Filed, May 1, 1962; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 1156; Amdt. 433]

PART 507—AIRWORTHINESS DIRECTIVES

Canadair CL-44D4 Aircraft With Rolls Royce Tyne Engines

Amendment 430, 27 F.R. 3916 (AD 62-9-2), requires periodic inspection of the magnetic plugs and filters in the scavenge oil lines of Canadair CL-44D4 aircraft equipped with Rolls Royce Tyne engines. Subsequent to the issuance of this directive a service bulletin was provided by the manufacturer specifying the plugs and filters to be inspected. Since one United States operator already has raised a question relative to the accomplishment of the inspection, Amendment 430, is being amended to specify that the inspection is to be performed in accordance with Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12.

Since this amendment clarifies an existing requirement and since it imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the *FEDERAL REGISTER*.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended as follows:

Amendment 430, 27 F.R. 3916, Canadair CL-44D4 aircraft with Rolls Royce Tyne engines, is amended by

1. Changing the first sentence of the first paragraph to read as follows: "To preclude further cases of bearing failure inspect the magnetic plug and the filter in the scavenge oil line from the high pressure turbine bearing for deposits of hard carbon as specified in the note under paragraph 2B of Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12."

2. Adding the following reference statement at the end of the AD:

(Rolls Royce Tyne Alert Service Bulletin No. A. Ty. 79-12 dated March 30, 1962, covers this same subject.)

This amendment shall become effective May 2, 1962.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 26, 1962.

G. S. MOORE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 62-4252; Filed, May 1, 1962; 8:50 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-NY-58]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 1, 1962, a notice of proposed rule making was published in the *FEDERAL REGISTER* (27 F.R. 949), stating that the Federal Aviation Agency proposed to alter VOR Federal airway No. 51 by designating an east alternate and its associated control areas from the Bakerton Intersection (intersection of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° True radials) to the Louisville, Ky., VORTAC.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to

me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

§ 600.6051 [Amendment]

1. In the text of § 600.6051 (14 CFR 600.6051, 26 F.R. 8246, 10723), "Louisville, Ky., VORTAC;" is deleted and "Louisville, Ky., VORTAC, including an E alternate from the INT of the London, Ky., VORTAC 260° and the New Hope VOR 163° radials to the Louisville VORTAC via the INT of the Lexington, Ky., VORTAC 213° and the Louisville VORTAC 148° radials;" is substituted therefor.

2. Section 601.6051 (14 CFR 601.6051) is amended to read as follows:

§ 601.6051 VOR Federal airway No. 51 control areas (Key West, Fla., to Chicago, Ill.).

All of VOR Federal airway No. 51 including E and W alternates, but excluding the airspace between the main airway and its E alternate between the INT of the London, Ky., VORTAC 260° and the New Hope, Ky., VOR 163° radials and the Louisville, Ky., VORTAC.

These amendments shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a) 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4222; Filed, May 1, 1962; 8:47 a.m.]

[Airspace Docket No. 61-NY-108]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Areas

On February 17, 1962, a notice of proposed rule making was published in the *FEDERAL REGISTER* (27 F.R. 1495) stating that the Federal Aviation Agency (FAA) proposed the extension of low altitude VOR Federal airway No. 246 from the Mansfield, Ohio, VORTAC, via the Mansfield VORTAC 066° True radial to the intersection of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° True radials.

The Air Transport Association of America concurred in the proposed action and no other comments were received.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and

due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, the following actions are taken:

1. Section 600.6246 (14 CFR 600.6246) is amended to read:

§ 600.6246 VOR Federal airway No. 246 (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

From the Rosewood, Ohio, VOR via the Mansfield, Ohio, VOR; via the Mansfield, Ohio, VORTAC 066° of the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials.

2. The caption of § 601.6246 (14 CFR 601.6246) is amended to read:

§ 601.6246 VOR Federal airway No. 246 control areas (Rosewood, Ohio, to the INT of the Cleveland, Ohio, VORTAC 138° and the Tiverton, Ohio, VOR 017° radials).

This amendment shall become effective 0001, e.s.t., June 28, 1962.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 25, 1962.

D. D. THOMAS,
Director, Air Traffic Service.

[F.R. Doc. 62-4223; Filed, May 1, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

TEXTRYLS

The Commissioner of Food and Drugs having evaluated the data submitted in a petition filed by Kimberly Clark Corporation, Neenah, Wisconsin, and other relevant material, has concluded that the following regulation should issue with respect to the food additive textryls used as articles or components of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625),

the food additive regulations (21 CFR Part 121) are amended by adding to Subpart F the following new section:

§ 121.2545 Textryls.

Textryls identified in this section may be safely used as articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting or holding food, subject to the provisions of this section.

(a) Textryls are nonwoven sheets prepared from natural or synthetic fibers, bonded with fibryl (Fibryl consists of a polymeric resin in fibrous form commingled with fiber to facilitate sheet formation and subsequently heat cured to fuse the fibryl and effect bonding).

Substances	Limitations
(1) Fibers prepared from polyethylene terephthalate resins.	Conforming with § 121.2524.
(2) Fibryls prepared from vinyl chloride-vinyl acetate copolymer.	As the basic polymer.
(3) Adjuvant substance, dimethylformamide.	As a solvent in the preparation of fibryl.

(d) Textryls meeting the conditions of test prescribed in subparagraph (1) of this paragraph are used as prescribed in subparagraph (2) of this paragraph.

(1) *Conditions of test.* Textryls, when extracted with distilled water at reflux temperature for 1 hour, yield total extractives not to exceed 1.0 percent.

(2) *Uses.* Textryls are used for packaging or holding food at ordinary temperatures and in the brewing of hot beverages.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-4238; Filed, May 1, 1962; 8:48 a.m.]

(b) Textryls are prepared from the fibers, fibryls, and adjuvants identified in paragraph (c) of this section, and subject to limitations prescribed in that paragraph; *Provided, however,* That any substance that is the subject of a regulation in this Subpart F conforms with any specifications in such regulation for that substance as a component of polymeric resins used as food contact surfaces, and any substance that is not the subject of a regulation in this Subpart F conforms with the specifications, if any, prescribed by an order extending the effective date of the statute for such substance as an indirect additive to food.

(c) The fibers, fibryls, and adjuvants permitted are as follows:

SUBCHAPTER C—DRUGS

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

Order Changing Name of Streptomycylidene Isonicotinyl Hydrazine Sulfate to Streptonicozid Sulfate

One objection was filed to a notice of proposed rule making published in the FEDERAL REGISTER of February 17, 1962 (27 F.R. 1501), with regard to changing the name of streptomycylidene isonicotinyl hydrazine sulfate to streptonicozid sulfate. The Commissioner of Food and Drugs has concluded, however, that the name change would be in the public interest. Therefore, pursuant to the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the following amendments are ordered:

In Part 141b and Part 146b, the name "streptomycylidene isonicotinyl hydrazine sulfate" is changed to read "streptonicozid sulfate" in the following instances:

1. In § 141b.121, the section heading is changed to read as follows:

§ 141b.121 Streptonicozid sulfate.

2. In § 141b.121(a)(1), third sentence.
3. In § 141b.121(a)(2)(ii), first sentence.

4. In § 146b.116, the section heading is changed to read as follows:

§ 146b.116 Streptonicozid sulfate.

5. In § 146b.116(a), first sentence.

6. In § 146b.116(c).

7. In § 146b.116(d), first sentence.

Effective date. This order shall become effective for all batches received for certification by the Food and Drug Administration after June 1, 1962.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: April 25, 1962.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 62-4239; Filed, May 1, 1962;
8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3)

Employment in Retail Establishments

In the September 6, 1961, issue of the FEDERAL REGISTER (26 F.R. 8399) notice was given to interested persons of opportunities to present oral or written data, views, and arguments regarding what changes, if any, should be made in the above entitled subpart in its application to the employment of 14- and 15-year-old minors in retail establishments. After careful consideration of the information presented pursuant to this notice, I hereby determine that the occupations performed by persons employed by retail, food service, and gasoline service establishments which are permitted by virtue of the amendments to the Code of Federal Regulations provided herein do not involve conditions which interfere with the health or well-being of 14- and 15-year-old minors.

Accordingly, pursuant to authority contained in section 3(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(1)) and Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948; Comp., p. 1064), I hereby amend 29 CFR Part 4, Subpart C, effective June 1, 1962, as hereinafter set forth.

1. The following changes are hereby made in the numbering of sections contained in 29 CFR Part 4, Subpart C:

Section 4.34 is redesignated as § 4.35.
Section 4.35 is redesignated as § 4.36.
Section 4.36 is redesignated as § 4.37.
Section 4.37 is redesignated as § 4.38.

2. A new § 4.34 is hereby added to read as follows:

§ 4.34 Occupations in retail, food service, and gasoline service establishments.

(a) This subpart shall apply to the following permitted occupations for

minors between the ages of 14 and 16 employed by retail, food service, and gasoline service establishments.

(1) Office and clerical work, including the operation of office machines;

(2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming, and comparative shopping;

(3) Price marking and tagging by hand or by machine, assembling orders, packing and shelving;

(4) Bagging and carrying out customers' orders;

(5) Errand and delivery work by foot, bicycle, and public transportation;

(6) Clean up work, including the use of vacuum cleaners and floor waxers, and maintenance of grounds, but not including the use of power-driven mowers, or cutters;

(7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work, such as but not limited to, dish-washers, toasters, dumb-waiters, popcorn poppers, milk shake blenders, and coffee grinders;

(8) Work in connection with cars and trucks if confined to the following: Dispensing gasoline and oil; courtesy service; car cleaning, washing and polishing; and other occupations permitted by this section, but not including work involving the use of pits, racks, or lifting apparatus, or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(9) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in paragraph (b) (7) of this section is performed;

(b) Paragraph (a) of this section shall not be construed to permit the application of this subpart to any of the following occupations in retail, food service, and gasoline service establishments;

(1) All occupations listed in § 4.33 except occupations involving processing, operation of machines and work in rooms where processing and manufacturing take place which are permitted by paragraph (a) of this section.

(2) Work performed in or about boiler or engine rooms;

(3) Work in connection with maintenance or repair of the establishment, machines or equipment;

(4) Outside window washing that involves working from window sills, and all work requiring the use of ladders, scaffolds, or their substitutes;

(5) Cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking;

(6) Occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers, and cutters, and bakery-type mixers;

(7) Work in freezers and meat coolers and all work in the preparation of meats for sale except as described in paragraph (a) (9) of this section;

(8) Loading and unloading goods to and from trucks, railroad cars, or conveyors;

(9) All occupations in warehouses except office and clerical work.

(52 Stat. 1061, as amended; 29 U.S.C. 203)

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4261; Filed, May 1, 1962;
8:52 a.m.]

PART 12—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941) requires every employer as defined in that Act to furnish and maintain employment and places of employment which are reasonably safe for his employees in all employments covered by the Act and to install, furnish, maintain, and use the devices and safeguards with particular reference to equipment used by and working conditions established by such employers prescribed by the Secretary of Labor to be reasonably necessary to protect life, health, and safety of his employees and to render safe such employment and places of employment, and to prevent injury to his employees. Such devices and safeguards are prescribed in 29 CFR Parts 8 and 9. Section 41 also authorizes the Secretary of Labor to enforce its provisions by holding hearings, issuing orders, and making decisions upon findings of fact. These regulations are intended to furnish rules of practice for any enforcement proceedings conducted under this authority.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, 72 Stat. 835, 33 U.S.C. 941) and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is amended by adding thereto a new part, designated as Part 12, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required by the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 12 reads as follows:

Subpart A—Applicability of Rules: Definitions

Sec.	
12.1	Applicability of rules.
12.2	Definitions.

Subpart B—Prehearing Procedures

12.3	Complaints.
12.4	Answer.
12.5	Motions and requests.
12.6	Intervention.
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Subpart D—Decision and Order

- 12.13 Decision of the hearing examiner.
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Subpart E—Miscellaneous

- 12.17 Service; copies of documents and pleadings.
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 12.21 Hearing examiner.
 12.22 Computation of time.

AUTHORITY: §§ 12.1 to 12.22 issued under sec. 41, 44 Stat. 1444, 72 Stat. 835, R.S. 161; 5 U.S.C. 22, 33 U.S.C. 941.

Subpart A—Applicability of Rules; Definitions**§ 12.1 Applicability of rules.**

This part provides rules of practice for administrative hearings relating to the enforcement of section 41 of the Longshoremen's and Harbor Workers' Compensation Act and the safety regulations promulgated thereunder which are published in Parts 8 and 9 of this subtitle. This part applies only to proceedings held under section 41(b)(5) of the Act. It does not apply to any other administrative proceedings held under section 41 of the Act.

§ 12.2 Definitions.

(a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.

(b) "Chief Hearing Examiner" means the Chief Hearing Examiner, United States Department of Labor, Washington 25, D.C.

(c) "Respondent" means the person or organization proceeded against.

(d) "Director" means the Director of the Bureau of Labor Standards, United States Department of Labor.

Subpart B—Prehearing Procedures**§ 12.3 Complaints.**

(a) *Issuance.* The Deputy Solicitor of Labor shall institute enforcement proceedings by issuing a complaint and causing the complaint to be served upon the respondent.

(b) *Contents.* The complaint shall contain a clear and concise factual statement sufficient to inform the respondent with reasonable definiteness of the types of acts or practices alleged to have occurred and to violate section 41 of the Act or the provisions of Parts 8 and 9 of this subtitle.

(c) *Amendments.* At any time prior to the close of the hearing, the complaint may be amended in the discretion of the hearing examiner and on such terms as he may approve.

(d) *Notice of hearing.* The hearing examiner shall notify the parties of the time and place for a hearing within 10 days after the service of the complaint.

§ 12.4 Answer.

(a) *Filing and service.* Within 14 days after the service of the complaint,

the respondent shall file an answer with the Chief Hearing Examiner. The answer shall be signed by the respondent or his attorney.

(b) *Contents; failure to file.* The answer shall (1) contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny, each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) state that the respondent admits all of the allegations of the complaint. The answer may contain a waiver of hearing. Failure to file an answer to or plead specifically to any allegation of the complaint shall constitute an admission of such allegation.

(c) *Procedure upon admission of facts.* The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the complaint shall constitute a waiver of hearing. Upon such admission of facts, the hearing examiner without further hearing shall prepare his decision in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint. The parties shall be given an opportunity to file exceptions to his decision, and to file briefs in support of the exceptions.

§ 12.5 Motions and requests.

Motions or requests shall be filed with the Chief Hearing Examiner, except that those made during the course of the hearing shall be filed with the hearing examiner or shall be stated orally and made part of the transcript. Each motion or request shall state the particular order, ruling, or action desired, and the grounds therefor. The hearing examiner is authorized to rule upon all motions or requests filed or made prior to the filing of his report.

§ 12.6 Intervention.

At any time after the institution of proceedings and before the hearing examiner makes his decision, the hearing examiner may, upon petition in writing and for good cause shown, permit any interested person, including an employer, employee, labor or trade organization, or Federal or State agency, to intervene therein. The petition shall state with precision and particularity: (a) The petitioner's relationship to the matters involved in the proceedings, (b) the nature of any material he intends to present in evidence, (c) the nature of any argument he intends to make, and (d) any other reason that he should be allowed to intervene.

§ 12.7 Stipulations of compliance.

At any time prior to the issuance of a complaint in the proceeding, the Assistant Solicitor in charge of trial litigation may in his discretion, enter into stipulations with the prospective respondent, whereby the latter admits the material facts and agrees to discontinue the acts or practices which are intended to be set up as violative of the Act or Parts 8 and 9 of this subtitle. Such stipulations shall be admissible as evidence of such acts and practices in any subse-

quent proceeding in law or equity or under these regulations against such person.

§ 12.8 Consent findings and order.

(a) *General.* At any time after the issuance of a complaint and prior to the reception of evidence in any proceeding, the respondent may move to defer the receipt of any evidence for a reasonable time to permit negotiation of an agreement containing consent findings and an order disposing of the whole or any part of the proceeding. The allowance of such deferment and the duration thereof shall be in the discretion of the hearing examiner, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement being reached which will result in a just disposition of the issues involved.

(b) *Content.* Any agreement containing consent findings and an order disposing of a proceeding shall also provide: (1) That the order shall have the same force and effect as an order made after full hearing;

(2) That the entire record on which any order may be based shall consist solely of the complaint and the agreement;

(3) A waiver of any further procedural steps before the hearing examiner or the Director; and

(4) A waiver of any right to challenge or contest the validity of the findings and order entered into in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing examiner for his consideration; or

(2) Inform the hearing examiner that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and an order is submitted within the time allowed therefor, the hearing examiner within 30 days thereafter shall accept such agreement by issuing his decision based upon the agreed findings.

§ 12.9 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the hearing examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitation;

(3) Stipulations, admissions of fact and of contents and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such pretrial conferences. The subsequent course of the proceeding shall be controlled by such action.

Subpart C—Hearing and Related Matters

§ 12.10 Appearances.

(a) *Representation.* The parties may appear in person or by counsel. The term "counsel" means a member in good standing of the bar of a Federal Court or of the highest court of any State or Territory of the United States.

(b) *Failure to appear.* In the event that a party appears at the hearing and no party appears for the opposing side, the party who is present shall have an election to present his evidence in whole or such portion thereof sufficient to make a prima facie case before the hearing examiner. Failure to appear at a hearing shall not be deemed to be a waiver of the right to be served with a copy of the hearing examiner's decision and to file exceptions thereto.

§ 12.11 Postponement or change of place of hearing.

If in the judgment of the hearing examiner convenience or necessity so requires, he may postpone the time or change the place of the hearing.

§ 12.12 Hearing.

(a) *Order of proceeding; burden of proof.* Except as may be determined otherwise by the hearing examiner, counsel supporting the complaint shall proceed first at the hearing. The Assistant Solicitor of Labor in charge of trial litigation, supporting the complaint, shall have the burden of proof. The burden of proof shall be satisfied by a preponderance of the evidence.

(b) *Evidence.*—(1) *In general.* The testimony of witnesses shall be upon oath or affirmation administered by the hearing examiner and shall be subject to such cross-examination as may be required for a full and true disclosure of the facts. The hearing examiner shall exclude evidence which is immaterial, irrelevant, or unduly repetitious.

(2) *Objections.* If a party objects to the admission or rejection of any evidence or to the limitation of the scope of any examination or cross-examination or the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the hearing examiner may be relied upon subsequently in the proceeding.

(3) *Exceptions.* Formal exception to an adverse ruling is not required.

(4) *Official notice.* Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the hearing examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(d) *Oral argument before the hearing examiner.* Oral argument before the hearing examiner may be allowed. However, such argument may be limited by the hearing examiner to any extent

that he finds necessary for the expeditious disposition of the proceeding.

(e) *Transcript.* Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties upon written application filed with the reporter, and upon the payment of fees at the rate provided in the agreement between the Director and the reporter.

Subpart D—Decision and Order

§ 12.13 Decision of the hearing examiner.

(a) *Filing of transcript of evidence.* As soon as practicable after the close of the hearing, the reporter shall transmit to the Chief Hearing Examiner the copies of the transcript of the testimony and the exhibits introduced in evidence at the hearing except such copies of the transcript and exhibits as are forwarded to the hearing examiner.

(b) *Proposed findings of fact, conclusions, and orders.* Within 10 days after receipt of notice that the transcript of the testimony has been filed or such additional time as the hearing examiner may allow, each party may file with the hearing examiner proposed findings of fact, conclusions of law, and order, together with a supporting brief including the reasons for any proposals. Such proposals shall be served upon all parties, and shall contain adequate references to the record and authorities relied upon.

(c) *Decision of the hearing examiner.* Within a reasonable time after the termination of the time allowed for the filing of proposed findings of fact, conclusions of law, and orders, or after the date of submission of an agreement containing consent findings and order, the hearing examiner shall prepare his decision, which shall become the decision of the Director 20 days after service thereof unless exceptions are filed thereto, as provided in § 12.14 except in cases dealt with in 12.8(b). Except in cases under § 12.8(b) the decision of the hearing examiner shall include a statement of (1) findings and conclusions, with reasons and bases therefor, upon each material issue of fact, law, or discretion presented on the record, and (2) an appropriate order. Except in cases under § 12.8(b), the decision of the hearing examiner shall be based upon a consideration of the whole record and supported by reliable, probative, and substantial evidence and upon the basis of the preponderance of the evidence.

§ 12.14 Exceptions.

Within 20 days after the date of the decision of the hearing examiner, the parties may file exceptions thereto with supporting reasons. Any party who desires to take exception to any matter set out in that decision shall transmit his exceptions in writing to the Chief Hearing Examiner, referring to the specific findings of fact, conclusions of law, or order excepted to, and the specific pages of transcript relevant to the exceptions, and suggesting corrected findings of fact, conclusions of law, or order.

§ 12.15 Transmittal of record.

Immediately following the period allowed for filing exceptions, the hearing

examiner shall transmit the record of the proceeding to the Director. The record shall include: the pleadings, motions, and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions of law, and orders, and supporting reasons, as may have been filed in connection with the hearing; the hearing examiner's decision; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 12.16 Decision and order of the Director.

Upon the basis of and after due consideration of the whole record, the Director shall render his decision, which shall adopt, modify, or set aside the findings, conclusions, and order contained in the decision of the hearing examiner, and shall include a statement of the reasons or bases for the action taken. With respect to the findings of fact, the Director shall upset only those findings that are clearly erroneous. Copies of the decision and order shall be served upon the parties.

Subpart E—Miscellaneous

§ 12.17 Service; copies of documents and pleadings.

(a) *Manner of service.* Service upon any party shall be made by the party filing the pleading or document by delivering a copy or mailing a copy to the last known address. If the person upon whom service is made by mail resides 500 miles or more from the party effecting service, such mailing must be by airmail. When a party is represented by an attorney the service may be upon the attorney.

(b) *Proof of service.* A certificate of the person serving the pleading or other document by personal delivery or by mailing, setting forth the manner of said service shall be proof of the service of the pleading or other document.

(c) *Service upon Department, number of copies of pleading or other documents.* An original and three copies of all pleadings and other documents shall be filed with the Department of Labor, whether to the Assistant Solicitor in charge of trial litigation, the hearing examiner, or the Director, as the case may be.

§ 12.18 Witnesses and fees.

Witnesses subpoenaed by any party shall be paid the same fees and mileage as are paid for like services in the District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

§ 12.19 Depositions.

(a) *When, how, and by whom taken.* For good cause shown, the testimony of any witness may be taken by deposition in any proceeding, when a complaint has been filed, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken; the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner shall order shall be given for the taking of a deposition, but this shall not be less than 5 days' written notice when the deposition is to be taken within the United States and not less than 15 days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and receiving in evidence.* Each witness testifying upon deposition shall be sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed by him, and certified by the officer. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing examiner. Subject to such objections to the questions and answers as were noted at the time of taking the deposition and would be valid were the witness personally present and testifying, such deposition may be read and offered in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of hearing.

§ 12.20 Subpoenas.

All applications for subpoenas ad testificandum and subpoenas duces tecum shall be made in writing to the hearing examiner. Application for subpoenas duces tecum shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope.

§ 12.21 Hearing examiners.

(a) *Who presides.* All hearings shall be presided over by a hearing examiner appointed under section 11 of the Administrative Procedure Act.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Secretary or the Chief Hearing Examiner.

(c) *Powers.* Hearing examiners shall have all powers necessary to the conduct of fair and impartial hearings, including the following:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas upon proper applications as provided in § 12.20;
- (3) To rule upon offers of proof and receive relevant evidence;
- (4) To take or cause to be taken depositions and to determine their scope;
- (5) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

(6) To hold conferences for the settlement or simplification of the issues by consent of the parties;

(7) To consider and rule upon procedural requests;

(8) To make and file decisions in conformity with this part.

(9) To take any action authorized by the rules in this part or in conformance with the Administrative Procedure Act.

(d) *Consultation.* The hearing examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate.

(e) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record directed to the Chief Hearing Examiner.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Chief Hearing Examiner a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Chief Hearing Examiner shall rule upon the motion.

(f) *Contemptuous conduct; failure or refusal of a witness to appear or answer.* In the event of contemptuous conduct, including the failure or refusal of a witness to appear at any hearing or to answer any question which has been ruled to be proper, the hearing examiner may take any action reasonable under 41 CFR 50-203.8(1), promulgated under section 5 of the Act of June 30, 1936 (41 U.S.C. 39).

§ 12.22 Computation of time.

Sundays and holidays shall be included in computing the time allowed for filing any document or paper under this part. When such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4262; Filed, May 1, 1962; 8:52 a.m.]

PART 13—INVESTIGATIONAL HEARINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

Section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), authorizes the Secretary of Labor in administering the provisions of that section to make investigations with respect to safety provisions and the causes and prevention of injuries in employments covered by the Act. The regulations hereinafter promulgated provide for the use of investigational hearings in connection with such investigations whenever there is loss of life or serious injury resulting from accidents in the employments covered by

the Act and in any other appropriate circumstances, and prescribe the manner in which such hearings shall be conducted.

Therefore, pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (44 Stat. 1444, 72 Stat. 835; 33 U.S.C. 941), and R.S. 161 (5 U.S.C. 22), Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part, designated Part 13, which is hereinafter set forth.

These regulations shall become effective upon their publication in the FEDERAL REGISTER since they prescribe only procedural rules and no notice and public participation with respect thereto is required under the Administrative Procedure Act, nor does such notice and public participation appear to be otherwise appropriate.

The new 29 CFR Part 13 reads as follows:

- | | |
|------|--|
| Sec. | |
| 13.1 | Definitions. |
| 13.2 | Purpose and scope. |
| 13.3 | Composition of the Board. |
| 13.4 | Responsibilities of the Board; voting. |
| 13.5 | Notice of investigational hearings. |
| 13.6 | Investigational hearings. |

AUTHORITY: §§ 13.1 to 13.6 issued under R.S. 161, sec. 41, 44 Stat. 1444, 72 Stat. 835; 5 U.S.C. 22, 33 U.S.C. 941.

§ 13.1 Definitions.

(a) "Act" means the Longshoremen's and Harbor Workers' Compensation Act.

(b) "Board" means the Board of Investigation.

(c) "Bureau" means the Bureau of Labor Standards, United States Department of Labor.

(d) "Director" means the Director of the Bureau.

(e) "Injury" means accidental injury or death arising out of and in the course of employment, and such occupational disease or infection as arises naturally out of such employment or as naturally or unavoidably results from such accidental injury.

§ 13.2 Purpose and scope.

Whenever any serious injury results from the employments covered by the Act or whenever it is otherwise appropriate, the Director may appoint a Board of Investigation to hold an investigational hearing during the course of any investigation made under section 41 of the Act. This part prescribes the manner in which any investigational hearings shall be conducted. This part does not apply to any adjudicative proceedings held under section 41(b)(5) of the Act.

§ 13.3 Composition of the Board.

The Board shall be composed of three members appointed by the Director, one of whom shall be designated as Chairman. All members shall be employees of the United States Department of Labor, and shall have experience in the field of maritime safety.

§ 13.4 Responsibilities of the Board; voting.

(a) *Determinations and recommendations.* To the extent possible, the Board shall determine the facts, conditions, and circumstances relating to any injury

or condition which is the subject of investigation, the probable cause thereof, and shall recommend measures which will provide the best means of preventing future injuries or conditions of similar character. The determinations and recommendations shall be made after hearing such witnesses and receiving such documents and other data relating to the subject or subjects of investigation as may be found available as a result of preliminary investigation.

(b) *Report.* Upon completion of the investigational hearing, the Board shall file a report of its investigation with the Director. The report shall contain the determinations and recommendations required under paragraph (a) of this section. Any member may file a separate report in order to express determinations, recommendations, or reasons for determinations or recommendations which differ from those of a majority of the Board.

(c) *Voting.* Actions of the Board, including the determinations and recommendations required under paragraph (a) of this section, shall require a vote of a majority of its members.

§ 13.5 Notice of investigational hearings.

The Chairman of the Board shall give reasonable notice of the time and place of any investigational hearing to any person whose conduct is or may be pertinent to the subjects of investigation; to any prospective witnesses; and to any Federal or State agency engaged in similar investigative work.

§ 13.6 Investigational hearings.

The Chairman shall regulate the course of the hearing; dispose of procedural requests, objections, and related matters; and confine the hearing to the matters for which the Board is responsible. In the performance of these duties, the Chairman may be assisted by counsel assigned by the Solicitor of Labor. In the discretion of the Board, the hearing may be stenographically reported. When the hearing is so reported, copies of the transcript may be obtained upon such terms as the Chairman may provide.

Signed at Washington, D.C., this 20th day of April 1962.

ARTHUR J. GOLDBERG,
Secretary of Labor.

[F.R. Doc. 62-4263; Filed, May 1, 1962; 8:52 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order V-7 (Rev.) Amdt. I]

DMO V-7—GENERAL POLICIES FOR STRATEGIC AND CRITICAL MATERIALS STOCKPILING

Disposals

By virtue of the authority vested in me by Reorganization Plan No. 1 of No. 85—2

1958 and Executive Order 10773, it is hereby ordered that Defense Mobilization Order V-7, Revised, dated December 10, 1959, is amended by striking section 14 and substituting therefor the following:

14. *Disposals.* The Director of the Office of Emergency Planning will authorize the disposal of excess materials whenever possible under the following conditions: (a) Avoidance of serious disruption of the usual markets of producers, processors and consumers, (b) avoidance of adverse effects on the international interests of the United States, (c) due regard to the protection of the United States against avoidable loss, (d) avoidance of adverse effects upon domestic employment and labor disputes, and (e) except when materials are channeled to other agencies for their direct use, consultation with the Departments of the Interior, Commerce, State, Agriculture, Defense, Labor, and other governmental agencies concerned, and consultation as appropriate with the industries concerned. If within 30 days after such consultation either the Department of State or the Department of the Interior indicates an objection to the proposed plan which, after discussion, the Director does not support, he shall so notify the President and present the issue to him for decision. To the extent possible disposals should be made in accordance with long-run disposal plans which have been worked out in consultation with the interested departments and which take into account probable trends in supply and price both at home and abroad.

In making such disposals preference shall be given to materials in the DPA inventories.

Disposals of materials that deteriorate, that are likely to become obsolete, that do not meet quality standards, or that do not have stockpile objectives, are to be expedited.

The Administrator of General Services shall be responsible for conducting negotiations for the sale of materials and will consult with and advise the agencies concerned.

Dated: April 25, 1962.

EDWARD A. McDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 62-4253; Filed, May 1, 1962; 8:51 a.m.]

Title 41—PUBLIC CONTRACTS

Chapter 3—Department of Health, Education, and Welfare

PART 3-75—DELEGATIONS OF AUTHORITY

Subpart B—Delegates and Specific Limitations

OFFICE OF FIELD ADMINISTRATION

Section 3-75.8(a), following the introductory text, is amended to read as follows:

§ 3-75.8 Office of Field Administration.

(a) * * *

- (1) Director of Field Administration.
- (2) Associate Director of Field Administration.
- (3) Chief, Division of Field Management.
- (4) Regional Directors.
- (5) Assistant Regional Directors or Regional Executive Officers.
- (6) Supervisors, Regional Office Services Sections.

Dated: April 17, 1962.

RUFUS E. MILES, JR.,
Administrative Assistant Secretary.

[F.R. Doc. 62-4240; Filed, May 1, 1962; 8:48 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

SUBCHAPTER A—ARCHIVES AND RECORDS MANAGEMENT

PART 2—PUBLIC USE OF RECORDS AND FACILITIES OF THE NATIONAL ARCHIVES

Correction

In F.R. Doc. 62-4203, appearing at page 4025 of the issue for Friday, April 27, 1962, the section heading and paragraphs (a) and (b) of § 2.13 were inadvertently omitted. They should be inserted following § 2.12, to read as follows:

§ 2.13 Admission and use of the National Archives Theater.

(a) Applications for admission to the National Archives Theater for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives and Records Service shall be made to the Chief, Audio-Visual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman, who in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified.

(b) As indicated in paragraph (a) of this section, the theater in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theater is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theater by either a Federal or District of Columbia agency or a private organization will be approved unless the

purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theater shall not in any event be sponsored by profitmaking organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose.

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—UNINSPECTED VESSELS

[CGFR 62-10]

PART 24—GENERAL PROVISIONS

Subpart 24.10—Definition of Terms Used in This Subchapter

MEASURING LENGTH OF MOTORBOATS; INTERPRETIVE RULING

Pursuant to the notice of proposed rule making published in the *FEDERAL REGISTER* on January 23, 1962 (27 F.R. 657-665), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to IX, inclusive, and the first proposal in Item VIII was "measuring length of motorboats." This document is the third of a series covering the regulations and actions considered at this Public Hearing and annual session of the Merchant Marine Council.

The amendment to 46 CFR 24.10-17 in this document is intended to standardize the method of measurement of motorboats, without regard to decks, by stating the measurement will be a straight line measurement of the overall length from the foremost part of the vessel to the aftermost of the vessel, measured parallel to the centerline; however, bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in such measurement. The proposed interpretive ruling regarding "measuring length of motorboats" in Item VIII is accepted as proposed in the Agenda. It was also described in the notice published in the *FEDERAL REGISTER* on January 23, 1962 (27 F.R. 664). In addition, the informal interpretations and sketches in the Coast Guard pamphlet "Recreational Boating Guide," CG-340, pages 6 and 7 are hereby superseded. In the next edition this information will be appropriately revised.

The initial problem intended to be resolved by the interpretive ruling in this document was to have uniformity in the manner for taking the measurements, and to have the same guidelines followed by all concerned. It should be noted that the Customs rules followed in admeasuring vessels to obtain gross tonnage are different, and must necessarily be based on "inside" dimensions because a basic problem in admeasuring-

ment is to obtain the "volume" inside capacity of the vessel. In view of the fact that many existing vessels may have been measured to different guidelines than that described in the interpretive ruling, it is not contemplated that a major program will be undertaken to remeasure all existing vessels. Therefore, unless an existing motorboat is altered or required to be remeasured by some other action, the present measurement described in official Federal or State document will be accepted as the length of the motorboat for determining required equipment, etc.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-32, dated September 23, 1958 (23 F.R. 7605), to promulgate rules and regulations in accordance with the statutes cited with the rule below, the following amendment to § 24.10-17 is prescribed and shall become effective on and after the date of publication of this document in the *FEDERAL REGISTER*:

§ 24.10-17 Motorboat.

(a) This term means any vessel indicated in column 6 of Table 24.05-1(a), 65 feet in length or less which is propelled by machinery (including steam). The length shall be measured from end to end over the deck excluding sheer. This term includes a boat temporarily or permanently equipped with a detachable motor and any such boat when so propelled is subject to the applicable provisions of the act of April 25, 1940, as amended (46 U.S.C. 526-526u), and the regulations promulgated thereunder. For the purpose of this subchapter, motorboats are included under the term "vessel" unless specifically noted otherwise. The various classes of motorboats are as follows:

Class A—Any motorboat less than 16 feet in length.

Class 1—Any motorboat 16 feet or over and less than 26 feet in length.

Class 2—Any motorboat 26 feet or over and less than 40 feet in length.

Class 3—Any motorboat 40 feet or over and not more than 65 feet in length.

(b) The expression "length shall be measured from end to end over the deck excluding sheer" means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not to be included in the measurement. Length shall be stated in feet and inches.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p)

Dated: April 24, 1962.

[SEAL]

A. C. RICHMOND,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 62-4249; Filed, May 1, 1962;
8:50 a.m.]

[CGFR 62-8]

MISCELLANEOUS VESSEL INSPECTION AMENDMENTS

Pursuant to the notices of proposed rule making published in the *FEDERAL REGISTER* on January 23, 1962 (27 F.R. 657-665), and February 27, 1962 (27 F.R. 1801), and the Merchant Marine Council Public Hearing Agenda, dated March 12, 1962 (CG-249), the Merchant Marine Council held a Public Hearing on March 12, 1962 for the purpose of receiving comments, views and data. In general the Commandant, United States Coast Guard, has accepted proposed changes to the vessel inspection regulations as recommended by the Merchant Marine Council at its Annual Session held March 12-14, 1962. The recommendations are based on proposals contained in a Merchant Marine Council Public Hearing Agenda (CG-249), dated March 12, 1962, consisting of 9 items, an addendum to Item V, and the oral and written comments submitted by the public in conjunction with the public hearing on March 12, 1962.

The proposals considered were: I, rules and regulations for military explosives and hazardous munitions; II, dangerous cargoes; III, vessel operations and inspection; IV, lifesaving and fire protection; V, tank vessels; VI, marine engineering; VII, electrical engineering; VIII, uninspected vessels (motorboats); and IX, artificial islands and fixed structures on the Outer Continental Shelf. The Commandant accepted the proposed changes to the regulations, with certain changes from the Agenda which reflect views expressed in comments received, for Items I, II, IV, VII and IX, as well as the majority of proposals in Items III, V, and VI.

This document is the first of a series covering the regulations considered at the March 12, 1962 Public Hearing and Annual Session of the Merchant Marine Council. It includes the actions taken with respect to "marine casualty investigations," and "automatic lift toilet seats" in Item III; "painting of lifeboat interiors" and "distress signals on passenger vessels under 100 gross tons" in Item IV; "emergency lighting and power systems" for tank ships in Item V; and "miscellaneous electrical engineering amendments" in Item VII. These changes as proposed in the Agenda except for minor changes in 46 CFR 35.10-15 regarding emergency lighting and power systems on tank ships in Item V are adopted. Other documents containing changes in the regulations as recommended by the Merchant Marine Council will be published in the *FEDERAL REGISTER* as soon as possible. However, certain proposals on the Agenda were controversial and the actions recommended by the Merchant Marine Council, which are concurred in, are described briefly in succeeding paragraphs for the information of those concerned.

The proposals regarding "immediate reporting of spillages, etc., of dangerous materials or liquids" in Item III are withdrawn as regulatory material. In lieu

thereof, publicity will be given to the problems and suggested practices and procedures will be published as articles in the Proceedings of the Merchant Marine Council or Navigation and Vessel Inspection Circulars.

Many comments were received concerning "portable containers for combustible liquid cargoes" indicating a need for a further study of this subject. Therefore, these proposals and comments are being studied by a special committee before taking final action.

With respect to "gas freeing, inspection and testing required when making alterations, repairs, etc., involving hot work," certain comments indicated there were a number of important changes occurring regarding certified gas chemists. Therefore, the final actions on proposals and comments are deferred until after June 15, 1962.

Requests were received asking for additional time for submitting comments regarding the two proposals for inspection and certification of "seagoing barges." An additional 90-day extension of time is granted, and final actions on proposals and comments are deferred until after June 15, 1962.

The comments received concerning "oxygen type breathing apparatus (liquid chlorine and anhydrous ammonia)" indicate a need to resolve corollary problems concerning alternate places for keeping this equipment and possible use of alternate types of equipment. Therefore, exploratory discussions with those who submitted certain comments on this will be held. An additional 90-day extension of time is granted for submittal of comments, and final actions on proposals and comments are deferred until after June 15, 1962.

The proposal regarding "portable fire extinguishers" in Item IV was controversial. Many comments indicate that problems exist with regard to the inspection of dry chemical extinguishers with disposable containers without pressure gages. The proposals and comments concerning the inspection and labelling of these extinguishers are being studied by a special committee and final action will be taken shortly.

The proposals regarding "venting of cofferdams," as described in Item V and the Addendum to Item V, dated February 5, 1962, and published in the FEDERAL REGISTER on February 27, 1962 (27 F.R. 1801), were withdrawn for further study. The comments received indicate a divergence in opinions on the proposals and problems involved, and further discussions with those who submitted comments will be held.

At the Public Hearing a verbal request was made for 10 days additional time in which to submit written comments regarding "valves and fittings" in the proposals on "pressure vessels, dished heads, malleable iron, piping, bilge pumps and valves" in Item VI. This additional 10-day extension of time for submitting comments on "valves and fittings" is granted, and final actions on proposals and comments are deferred until after April 2, 1962.

With respect to "vent opening closures" in Item VI, after considering

the comments and proposals, the Merchant Marine Council rejected the proposals as set forth in the Agenda and stated the present regulations shall continue in effect. These proposals concerned the meaning of the term "satisfactory means" for closing openings of vent pipes in 46 CFR 55.10-60 of the marine engineering regulations and for closing openings of air pipes in 46 CFR 43.10-80 and 45.10-77 of the load line regulations.

The proposals in Item VIII concerned motorboats. The comments concerning the interpretation of the expression "length shall be measured from end to end over the deck excluding sheer" were, for the most part, very favorable to the proposal. Therefore, this interpretation as set forth in the Agenda is adopted. This will be in a separate document, the third in this series. The proposals concerning "portable fire extinguishers for all motorboats" and "ventilation" were commented on extensively, and a few set forth proposed modifications. Therefore, final actions are deferred until after further study is completed by the Coast Guard and also by two advisory panels to the Merchant Marine Council, namely, the Motorboat and Yacht Advisory Panel, and the Advisory Panel of State Officials. Until this study is completed and the recommendations of these two panels are considered, the existing regulations concerning fire extinguishers and ventilation for uninspected motorboats will remain unchanged.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-20, dated June 18, 1956 (21 F.R. 4894), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), and 167-38, dated October 26, 1959 (24 F.R. 8857), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and the regulations in this document may be complied with on and after the date of publication of this document in the FEDERAL REGISTER in lieu of existing requirements; however, the new or revised requirements in this document shall be in full effect on and after July 1, 1962:

SUBCHAPTER D—TANK VESSELS

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

Subpart 32.40—Accommodations

Section 32.40-1(d) (10) is amended to read as follows:

§ 32.40-1 Crew accommodations on tank ships of 100 gross tons or over constructed after January 1, 1938—T/ALL.

(d) * * *

(10) All toilets shall be installed and equipped with the proper plumbing for flushing. Where more than one toilet is located in a space or compartment, each toilet shall be separated with a screen

constructed of fire-resistive material to afford privacy. Such screens may be installed so as to be open at top and bottom for ventilation purposes.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

Subpart 33.25—Markings, Care and Inspection

Section 33.25-5 is amended by revising paragraph (d) and adding a new paragraph (e) reading as follows:

§ 33.25-5 Numbering and marking of lifeboats—TB/ALL.

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red and shall have thereon in raised letters either the words—"Danger—Lever Drops Boat," or the words—"Danger—Lever Releases Hooks."

PART 35—OPERATIONS

Subpart 35.07—Logbook Entries

1. Section 35.07-10(b) is amended by adding a new subparagraph (8) reading as follows:

§ 35.07-10 Actions required to be logged—TB/ALL.

(b) * * *

(8) Operation and inspection of the emergency lighting and power systems. Once in each week that the vessel is navigated. See § 35.10-15.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

Subpart 35.10—Fire and Emergency Requirements

2. Subpart 35.10 is amended by inserting after § 35.10-10 a new § 35.10-15 reading as follows:

§ 35.10-15 Emergency lighting and power systems—T/ALL.

(a) Where fitted, it shall be the duty of the master to see that the emergency lighting and power systems are tested and inspected at least once in each week that the vessel is navigated to be assured that the system is in proper operating condition.

(b) Internal combustion engine driven emergency generators shall be

tested under load for at least 2 hours, at least once in each month that the vessel is navigated.

(c) Storage batteries for emergency lighting and power systems shall be tested at least once in each 6-month period that the vessel is navigated to demonstrate the ability of the storage battery to supply the emergency loads for 6 hours.

(d) The date of the tests required by this section and the condition and performance of the apparatus shall be noted in the vessel's Official Logbook or in logs or records considered to take the place of the Official Logbook.

(R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply sec. 3, 68 Stat. 675; 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp.)

SUBCHAPTER H—PASSENGER VESSELS

PART 72—CONSTRUCTION AND ARRANGEMENT

Subpart 72.20—Accommodations for Officers and Crew

1. Section 72.20-25(e) (1) is amended to read as follows:

§ 72.20-25 Washrooms and toilet rooms.

(c) * * *

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefore.

2. Section 72.20-90(d) (2) (iv) is amended to read as follows:

§ 72.20-90 Vessels contracted for prior to November 19, 1952.

(d) * * *

(2) * * *

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4481, as amended, 4426, as amended, 4488, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, sec. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675, as amended; 46 U.S.C. 391, 392, 404, 481, 482, 363, 369, 367, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 75—LIFESAVING EQUIPMENT

Subpart 75.90—Ship's Distress Signals

Section 75.90-5 is amended to read as follows:

§ 75.90-5 Vessels in ocean or coastwise service.

(a) All vessels in ocean service and all vessels in coastwise service shall carry within the pilothouse or on the

navigator's bridge, 12 approved hand-held rocket-propelled parachute red flare distress signals constructed in accordance with Subpart 160.036 of Subchapter Q (Specifications) of this chapter.

(b) All vessels under 100 gross tons in coastwise service may carry in lieu of signals required by paragraph (a) of this section within the pilothouse or in other locations considered suitable by the Officer in Charge, Marine Inspection, pyrotechnic signals as follows:

(1) Six hand red flare distress signals and 6 hand orange smoke distress signals; constructed in accordance with Subpart 160.021 and 160.037 of Subchapter Q (Specifications) of this chapter; or

(2) Twelve hand combination flare and smoke distress signals, constructed in accordance with Subpart 160.023 of Subchapter Q (Specifications) of this chapter.

(c) All pyrotechnic signals shall be stowed in a portable watertight container.

(d) The service use of the distress signals shall be limited to a period of 3 years from the date of manufacture, and replacement shall be made no later than the first annual inspection of the vessel after the date of expiration.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 489, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

Subpart 78.47—Markings for Fire and Emergency Equipment, Etc.

Section 78.47-60(f) is amended to read as follows:

§ 78.47-60 Lifeboats.

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

PART 92—CONSTRUCTION AND ARRANGEMENT

Subpart 92.20—Accommodations for Officers and Crew

1. Section 92.20-25(e) (1) is amended to read as follows:

§ 92.20-25 Washrooms and toilet rooms.

(e) * * *

(1) All toilets shall be installed with proper plumbing for flushing. Toilets shall be provided with seats of the open

front type. Urinals may be fitted in toilet rooms, if desired, but no reduction in the required number of toilets will be made therefore.

2. Section 92.20-90(d) (2) (iv) is amended to read as follows:

§ 92.20-90 Vessels contracted for prior to November 19, 1952.

(d) * * *

(2) * * *

(iv) Toilets shall be provided with seats of the open front type. Urinals may be fitted in toilet rooms, if desired, but no reduction will be made in the required number of toilets.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4490, as amended, 41 Stat. 405, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 481, 482, 363, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR 1952 Supp.)

PART 97—OPERATIONS

Subpart 97.37—Markings for Fire and Emergency Equipment, Etc.

Section 97.37-37(f) is amended to read as follows:

§ 97.37-37 Lifeboats.

(f) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, and 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, sec. 1, 2, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 367, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER J—ELECTRICAL ENGINEERING

PART 111—ELECTRICAL SYSTEM; GENERAL REQUIREMENTS

Subpart 111.50—Distribution and Circuit Loads

1. Section 111.50-20(c) is amended by revising subparagraphs (2), (3) (ii), (4) (ii), and (5) (but not subdivisions (i) and (ii)) so that they read as follows:

§ 111.50-20 Circuit loads and demand factors.

(c) * * *

(2) 15-ampere lighting branch circuits. The connected load on a lighting branch circuit shall not exceed 12 amperes, computed on the basis of the lamp sizes to be installed, but in no case less than 50 watts per outlet unless the

design of the fixture precludes the possibility of installing lamps of a higher wattage than those originally installed. Circuits supplying electric discharge type lamp shall be computed on the basis of ballast input current. Receptacle outlets provided for the convenience of passengers or crew to which no ship's service apparatus, such as room fans, desk lamps, table lamps, etc., will be connected, need not be counted as a connected load.

(3) * * *

(ii) The connected load shall not exceed 16 amperes.

(4) * * *

(ii) The connected load shall not exceed 24 amperes.

(5) *Multi-lamp fixtures.* Multi-lamp fixtures employing a large number of low-wattage lamps, where the total load of the fixture exceeds 12 amperes, may be supplied by a polyphase branch circuit provided all the conditions covered in this subparagraph are complied with.

(iii) The current in any conductor of the polyphase branch circuit does not exceed 12 amperes.

Subpart 111.60—Wiring Methods and Materials

2. Section 111.60-10(b) (8) is amended to read as follows:

§ 111.60-10 Wire and cable installation.

(b) * * *

(8) *Feeder and branch circuit cables.* Cable of every description shall be located with a view to avoiding, as far as practicable, spaces where excessive heat and gases may be encountered as well as spaces where they may be exposed to damage such as exposed sides of deck houses. Electrical conductors shall not enter oil tanks and shall avoid cofferdams adjacent to and extending below the tops of oil tanks except as permitted by §§ 111.70-10 and 111.60-40.

Subpart 111.65—Special Requirements for Certain Locations and Systems

3. Section 111.65-45(b) (1) is amended to read as follows:

§ 111.65-45 Special requirements for electric air heaters.

(b) *General requirements.* (1) Electric heaters shall be so constructed that the risk of fire is reduced to a minimum. Unspecified construction and circuit details shall be in accordance with Underwriters' Laboratories, Inc., Standard for Electric Space-Heating Equipment.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4399, as amended, 4400, as amended, 4417, as amended, 4417a, as amended, 4418, as amended, 4421, as amended, 4426, as amended, 4427, as amended, 4433, as amended, 4453, as amended, 4488, as amended, sec. 14, 29 Stat. 690, as amended, sec. 10, 35 Stat. 423, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, 68 Stat. 675; 46 U.S.C. 361, 362, 391, 391a, 392, 399, 404, 405, 411, 435, 481, 366, 395, 363, 369, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

PART 136—MARINE INVESTIGATION REGULATIONS

Subpart 136.07—Investigations

1. In § 136.07-40 *Coast Guard vessels involved in marine casualties*, paragraphs (a) and (b) are canceled.

2. In § 136.07-42 *Marine casualties occurring within the scope of Coast Guard rescue operations*, paragraphs (a) and (b) are canceled.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416.)

SUBCHAPTER Q—SPECIFICATIONS

PART 160—LIFESAVING EQUIPMENT

Subpart 160.035—Lifeboats for Merchant Vessels

Section 160.035-2(c) (1) is amended to read as follows:

§ 160.035-2 General requirements for lifeboats.

(c) * * *

(1) The thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange in accordance with Federal Specification TT-P-59a. The area in way of the red mechanical disengaging gear control lever, from the keel to the side bench, shall be painted or otherwise colored white, to provide a contrasting background for the lever. This band of white should be approximately 12 inches wide depending on the internal arrangements of the lifeboat.

(R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

SUBCHAPTER R—NAUTICAL SCHOOLS

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

Subpart 167.35—Lifesaving Equipment

Section 167.35-25 is amended by revising paragraph (d) and adding a new paragraph (e), reading as follows:

§ 167.35-25 Numbering and marking of lifeboats.

(d) The top of thwarts, side benches and footings of lifeboats shall be painted or otherwise colored international orange. The area in way of the red mechanical disengaging gear control shall be painted or otherwise colored white, to provide a contrasting background for the control.

(e) Where mechanical disengaging apparatus is used, the control effecting the release of the lifeboat shall be painted bright red.

(R.S. 4405, as amended; 46 U.S.C. 375. Interpret or apply R.S. 4417, as amended, 4418,

as amended, 4426, as amended, 4428-4434, as amended, 4450, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 1-22, 54 Stat. 163-167, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 406-412, 239, 481, 489, 363, 367, 526-526u, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.)

Dated: April 24, 1962.

[SEAL] A. C. RICHMOND,
Admiral, U.S. Coast Guard
Commandant.

[F.R. Doc. 62-4248; Filed, May 1, 1962; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 62-424]

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration certain amendments and additions to its rules of practice and procedure; and

It appearing that § 1.18(g), concerning the computation of time, should be amended for purposes of clarity and, in particular, to specify that the additional time allowed under paragraph (g) for filing responses is not allowed in the case of violation notices served under § 1.76 of the Commission's rules; and

It further appearing that § 1.56 should specify the time within which service is to be made; that it should more clearly state the manner in which service upon Commission counsel is to be effected; that it should more clearly indicate its applicability to the service of Commission documents; and that it should be revised generally to more clearly state the requirements for service of documents; and

It further appearing that orderly and efficient administration in the public interest requires that the Commission be able to contact its licensees promptly, and that the rules should specify the licensee's obligation in this respect; and

It further appearing that § 1.76(a) should be conformed to section 9(b) of the Administrative Procedure Act and section 312(e) of the Communications Act, upon which it is based, and that the public interest may in some circumstances warrant or require immediate action by the Commission consistent with those statutory provisions; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended; and

It further appearing that the amendments adopted herein pertain to matters of procedure and hence that compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

It is ordered, Effective May 4, 1962, That the Commission's rules of practice

and procedure are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Sections 1.18(g), 1.56, and 1.76(a) are amended, and § 1.57 is added to read as follows:

§ 1.18 Computation of time.

(g) Where service of a document is required by statute or by the provisions of this chapter, where the document is in fact served by mail (see § 1.56(f)), and where the filing period for a response thereto is 10 days or less, an additional three days, excluding holidays, will be allowed for filing the response. This paragraph shall not apply to documents which are filed pursuant to the provisions of § 1.76 or 1.193(c).

§ 1.56 Service of documents and proof of service.

(a) Where the Commission or any person is required by statute or by the provisions of this chapter to serve any document upon any person, service shall (in the absence of specific provisions in this chapter to the contrary) be made in accordance with the provisions of this section.

(b) Where any person is required to serve any document filed with the Commission, service shall be made by that person or by his representative on or before the day on which the document is filed: *Provided, however*, That formal complaints, including supplemental, cross, and amended complaints, filed under section 208 of the Communications Act will be served by the Commission.

(c) Commission counsel who formally participate in any proceeding shall be served in the same manner as other persons who participate in that proceeding. The filing of a document with the Commission does not constitute service upon Commission counsel.

(d) Documents may be served upon a party, his attorney, or other duly constituted agent by delivering a copy or by mailing a copy to the last known address. When a party is represented by an attorney of record in a formal proceeding, service shall be made upon such attorney.

(e) Delivery of a copy pursuant to this section means handing it to the party, his attorney, or other duly constituted agent; or leaving it with the clerk or other person in charge of the office of the person being served, or, if there is no one in charge of such office, leaving it in a conspicuous place therein; or, if such office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode

with some person of suitable age and discretion then residing therein.

(f) Service by mail is complete upon mailing. If the person upon whom service by mail is being made resides 500 miles or more from the person effecting service, such mailing must be by airmail.

(g) Proof of service, as provided in this section, shall be filed before action is taken. The proof of service shall show the time and manner of service, and may be by written acknowledgment of service, by certificate of the person effecting the service, or by other proof satisfactory to the Commission. Failure to make proof of service will not affect the validity of the service. The Commission may allow the proof to be amended or supplied at any time, unless to do so would result in material prejudice to a party.

§ 1.57 Mailing address furnished by licensee.

(a) Each licensee shall furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee. Unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission for this purpose.

(b) The licensee is responsible for making any arrangements which may be necessary in his particular circumstances to assure that Commission documents or correspondence delivered to this address will promptly reach him or some person authorized by him to act in his behalf.

§ 1.76 Notice of violations.

(a) Except in cases of wilfulness or those in which public health, interest, or safety requires otherwise, any licensee who appears to have violated any provision of the Communications Act or any provision of this chapter will, before revocation, suspension, or cease and desist proceedings are instituted, be served with a written notice calling these facts to his attention and requesting a statement concerning the matter. FCC Form 793 may be used for this purpose.

[F.R. Doc. 62-4278; Filed, May 1, 1962; 8:54 a.m.]

[FCC 62-426]

PART 13—COMMERCIAL RADIO
OPERATORS

Examination Elements

In the matter of amendment of Part 13 of the Commission's rules relative to implementation of certain requirements of the Geneva Radio Regulations (1959) with regard to the qualifications of radio operators.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of April 1962;

The Commission having under consideration the provisions of Article 23 of

the Geneva Radio Regulations (1959), "Operators Certificates for Ship and Aircraft Station"; and

It appearing that under sections B and C of Article 23, candidates for the Second Class Radiotelegraph Operator's Certificate and the Radiotelegraph Operator's Special Certificate are required, among other matters, to give proof of ability to send correctly by hand and to receive correctly by ear in the Morse Code a plain language text at a speed of twenty words a minute; and

It further appearing that the Commission's Radiotelegraph Second Class Operator License and its Radiotelegraph Third Class Operator Permit correspond, respectively, to the aforementioned Certificates; and

It further appearing that Part 13 should be amended to bring it into conformity with Article 23 with respect to Morse Code requirements and that this may be done by adding a plain language requirement to § 13.22 (c) and (f) of Part 13; and

It further appearing that the changes are interpretative, and hence that compliance with section 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that authority for the issuance of this Order is contained in sections 4(i), 303(l), and 303(r) of the Communications Act of 1934, as amended.

It is ordered, That effective June 25, 1962, Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 27, 1962.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

In § 13.22, paragraphs (c) and (f) are amended to read as follows:

§ 13.22 Examination elements.

(c) Radiotelegraph second-class operator license. (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, 5, and 6.

(f) Radiotelegraph third-class operator permit. (1) Ability to transmit and receive spoken messages in English.

(2) Transmitting and receiving code test of twenty (20) words per minute plain language and sixteen (16) code groups per minute.

(3) Written examination elements: 1, 2, and 5.

[F.R. Doc. 62-4277; Filed, May 1, 1962; 8:54 a.m.]