

as to whether the proceeds of the check or checks pass to the estate of the deceased payee, the checks shall be handled in accordance with paragraph (b) of this section.

(b) *Classes of checks which may not be indorsed by an executor or administrator.* Checks issued for classes of payment other than those specified in paragraph (a) of this section may not be negotiated after the death of the payee but must be returned to the Government agency for which issued for determination whether, under applicable laws, payment is due and to whom it may be made.

§ 360.11 Checks issued to minor payees in certain cases.

Checks issued to minors in payment of principal or interest on U.S. securities may be indorsed by either parent with whom the minor resides, or, if the minor does not reside with either parent, by the person who furnishes his chief support. The parent or other person indorsing in behalf of the minor shall present with the check his signed statement giving the minor's age, stating that the payee either resides with the parent or receives his chief support from the person indorsing in his behalf, and that the proceeds of the checks will be used for the minor's benefit.

§ 360.12 Powers of attorney.

(a) *Specific powers of attorney.* Any check may be negotiated under a specific power of attorney executed after the issuance of the check and describing it in full.

(b) *General powers of attorney.* Checks issued for the following classes of payments may be negotiated under a general power of attorney in favor of an individual, bank or other entity:

(1) Payments for the redemption of currencies or for principal or interest on U.S. securities.

(2) Payments for tax refunds.

(3) Payments for goods and services.

(c) *Special powers of attorney.* Under rules established by the Comptroller General of the United States, classes of checks other than those specified in paragraph (b) of this section may be negotiated under a special power of attorney

(i) naming a banking institution or trust company as attorney in fact, (ii) limited to a period not exceeding 12 months, and (iii) reciting that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person.

(d) *Proof of authority.* Checks indorsed by an attorney in fact and presented for payment by a bank, will be paid by the Treasurer without the submission to him of documentary proof of the authority of the attorney in fact.

(e) *Revocation of powers of attorney.* Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties known, or reasonably expected, to be acting on the power of attorney. Notice of revocation into the

Treasurer will not ordinarily serve to revoke the power.

(f) *Acknowledgment of powers of attorney.* Powers of attorney shall be acknowledged before a notary public or other officer authorized by law to administer oaths generally. In foreign countries, the acknowledgment shall be made before a U.S. diplomatic or consular representative. If such a representative is not available, the acknowledgment shall be made before a notary or other officer authorized to administer oaths, but his official character and jurisdiction must be certified by a U.S. diplomatic or consular officer, under the seal of his office. Persons subject to military jurisdiction may acknowledge powers of attorney before officers specially designated for that purpose pursuant to law or regulations. See 10 U.S.C. 936.

(g) *Seal or certificate of attesting officer.* Seals of attesting officers shall be impressed upon the power of attorney form, or the power of attorney shall be accompanied by a certificate from an appropriate official showing that the officer was in commission on the date of acknowledgment. In either case, the date of expiration of the attesting officer's commission shall be indicated.

(h) *Forms.* Power of attorney forms issued under this part are listed in the appendix to this part. They may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20401.

Dated: October 9, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

APPENDIX—STANDARD FORMS FOR POWER OF ATTORNEY AND THEIR APPLICATION

Standard Form 231. A general power of attorney on this form may be executed by an individual, firm, or sole owner, for checks drawn on the Treasurer of the United States, in payment (1) for redemption of currencies or for principal or interest on U.S. securities, (2) for tax refunds, and (3) for goods and services.

Standard Form 232. A specific power of attorney on this form, which must be executed after the issuance of the check, describing the check in full, may be used to authorize the indorsement of any class of check drawn on the Treasurer.

Standard Form 233. A special power of attorney on this form naming a responsible banking institution or trust company as attorney in fact, limited to a period not to exceed 12 months and reciting that it is not given to carry into effect an assignment of the right to receive the payment, either to the attorney in fact or to any other person, may be used for classes of payments other than those shown under Standard Form 231.

Standard Form 234-5. A general power of attorney may be executed by a corporation for the classes of payment listed under Standard Form 231.

Standard Form 236-7. A specific power of attorney may be executed on this form by a corporation to cover a specific check for any class of payment.

[P.R. Doc. 67-12125; Filed, Oct. 12, 1967; 8:48 a.m.]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER A—ORGANIZATION AND ADMINISTRATION

PART 9—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION—PANAMA CANAL COMPANY

Effective upon publication in the FEDERAL REGISTER, Title 35, Chapter 1, Subchapter A, Code of Federal Regulations, is amended by adding a new Part 9 reading as follows:

- Sec.
9.1 Organization.
9.2 Functions.
9.3 Availability of information.
9.4 Availability of records.

AUTHORITY: The provisions of this Part 9 are issued pursuant to 5 U.S.C. 552, 81 Stat. 54.

NOTE: This part is not applicable to the Canal Zone Government. See 5 U.S.C. 551 (1) (C). For statutory provisions concerning public records of that agency, see 2 C.Z.C. 451-453, 76A Stat. 28, and 5 C.Z.C. 3102, 76A Stat. 403.

§ 9.1 Organization.

The principal office of the Panama Canal Company is located at Balboa Heights, C.Z. The office of the Secretary of the Company is located at Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. The Company also maintains a procurement office at 4400 Dauphine Street, New Orleans, La. 70140.

§ 9.2 Functions.

(a) The Panama Canal Company, known as the Panama Railroad Company prior to July 1, 1951, was reincorporated by the act of June 29, 1948, as amended (2 C.Z.C. 61-75, 76A Stat. 8-14), as an agency and instrumentality of the United States, for the purpose of maintaining and operating the Panama Canal and of conducting business operations incident to such maintenance and operation and incident to the civil government of the Canal Zone. As provided in section 3.2 of this title, the United States, in its capacity as owner of the corporation, is represented by the Secretary of the Army, who is referred to as the "stockholder".

(b) As provided in 2 C.Z.C. 63, 76A Stat. 19, the management of the corporation is vested in a board of directors appointed by and holding office at the pleasure of the stockholder. The President of the corporation, who is also the Governor of the Canal Zone, is the chief executive officer of the corporation.

(c) The Company maintains and operates the Panama Canal and facilities and appurtenances related thereto, including a railroad; the cargo docks and piers and harbor terminal facilities; an oil handling plant; commissary stores, including cold storage plants; electric power, water, and telephone systems; procurement and storehouse facilities;

motor transportation services; a printing plant; restaurants, theaters, bowling alleys, and miscellaneous merchandising activities; marine and general repair shops; and an employees' housing system.

§ 9.3 Availability of information.

Information concerning the Panama Canal Company and copies of its publications, such as the agency's annual reports, may be obtained from the Company's Information Officer, Balboa Heights, C.Z.

§ 9.4 Availability of records.

Subject to the exceptions set forth in 5 U.S.C. 552(b), all records of the Panama Canal Company are available for public inspection and copying in the offices of the Administrative Services Division, Administration Building, Balboa Heights, C.Z., during normal business hours. Appropriate fees for the furnishing and copying of records under this part will be charged in accordance with section 501 of the Act of August 31, 1951, 65 Stat. 290 (5 U.S.C. [1964 ed.] 140).

Date signed: September 29, 1967.

W. P. LEBER,

President, Panama Canal Company.

[F.R. Doc. 67-12100; Filed, Oct. 12, 1967; 8:46 a.m.]

Title 46—SHIPPING

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

[CGFR 67-64]

CONFORMING AMENDMENTS AND REVISIONS SHOWING TRANSFER OF FUNCTIONS TO COAST GUARD

1. There was transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Secretary of Commerce and other offices and officers of the Department of Commerce relating to the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 259-262; 46 U.S.C. 216-216f) by subsection 6(a) (4) of the Department of Transportation Act (Public Law 89-670, 80 Stat. 931-950; 49 U.S.C. 1651-1659). Effective April 1, 1967, the Secretary of Transportation by Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a) (1), 32 F.R. 5606), delegated to and authorized the Commandant, U.S. Coast Guard, to exercise the functions, powers, and duties relating to Great Lakes Pilotage vested in the Secretary except those relating to the establishment or revision of fees under section 5 of the Great Lakes Pilotage Act (46 U.S.C. 216c).

2. It has been determined that over-all administration of the Great Lakes Pilotage Act would be improved and facilitated by relocating its administrative facilities closer to the geographical area and the people it is intended to serve. The Great Lakes Pilotage Staff (CCS-3) is disestablished as a staff component

under the Commandant effective October 1, 1967, and concurrently reestablished as a staff element, Commander, 9th Coast Guard District (dgp), under the direction and supervision of the Commander, 9th Coast Guard District, Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

3. The comments of this document amend 46 CFR Chapter III to reflect both the transfer of functions to the Coast Guard and the movement of facilities to Cleveland.

4. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, United States Code, and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a) (1), 32 F.R. 5606), to promulgate rules and regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective on and after the date of publication of this document in the FEDERAL REGISTER.

PART 401—GREAT LAKES PILOTAGE REGULATIONS

5. The authority for Part 401 is amended to read as follows:

AUTHORITY: The provisions of this Part 401 issued under sec. 4, 74 Stat. 260, sec. 6(a) (4), 80 Stat. 938; 46 U.S.C. 216b, 49 U.S.C. 1655 (a) (4); Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a) (1), 32 F.R. 5606; unless otherwise noted.

Subpart A—General

6. Section 401.110(a) is amended by revising subparagraphs (1), (2), (3), (7), and (8) and by adding a new subparagraph (9), which read as follows:

§ 401.110 Definitions.

(a) * * *

(1) "Act" means the Great Lakes Pilotage Act of 1960, as amended (Public Law 86-555, 74 Stat. 239-262; 46 U.S.C. 216-216f).

(2) "Commandant" means Commandant, U.S. Coast Guard, Department of Transportation, Washington, D.C. 20591.

(3) "Canadian Registered Pilot" means a person, other than a member of the regular complement of a vessel, who holds a master's certificate or equivalent license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by an appropriate agency of Canada, and is registered by a designated agency of Canada on substantially the same basis as registration under the provisions of Subpart B of this part.

(7) "Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(8) "U.S. registered pilot" means a person, other than a member of the regular complement of a vessel, who holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed for pilotage on routes specified therein, issued by the Coast Guard, and who is also registered under the provisions of Subpart B of this part.

(9) "Director" means Director, Great Lakes Pilotage Staff, on the Staff of the

Commander, 9th Coast Guard District (dgp), Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

Subpart B—Registration of Pilots

7. Section 401.200 is amended to read as follows:

§ 401.200 Application for registration.

(a) An application for registration as a U.S. Registered Pilot shall be made on Form CG-4509, which shall be submitted together with a completed fingerprint chart and two full-face photographs, 1½ inches by 2 inches, signed on the face. These forms may be obtained from the Director.

(b) A registration fee of five dollars (\$5) by check or money order, drawn to the order of the "U.S. Coast Guard," shall accompany an application for registration. This registration fee will be refunded if applicant is not registered.

8. Section 401.210(a) is amended by revising subparagraphs (1), (4), and (7), which read as follows:

§ 401.210 Requirements and qualifications for registration.

(a) * * *

(1) He holds an unlimited master's license authorizing navigation on the Great Lakes and suitably endorsed thereon for pilotage on routes specified therein, issued under the provisions of 46 CFR Part 10.

(4) He is physically competent to perform the duties of a U.S. Registered Pilot and meets the medical requirements prescribed by the Commandant.

(7) He agrees that he will be continuously available for service under the terms and conditions as may be approved or prescribed by the Commandant.

9. Section 401.211 is amended in paragraph (a) by changing in the first sentence, and in subparagraph (3) (three times) the word from "Administrator" to "Director", and by revising paragraphs (c) and (d), which read as follows:

§ 401.211 Requirements for training of Applicant Pilots.

(c) Persons desiring to be considered as an Applicant Pilot shall file with the Director a completed Application Form, CG-4509, in duplicate, together with the two full-face photographs, 1½ inches by 2 inches, signed on the face, and a completed fingerprint chart. The \$5 registration fee is not to be submitted until such time as the applicant makes application pursuant to § 401.200 after completion of the requirements of § 401.220 (b).

(d) Individuals selected as Applicant Pilots by the Director shall be issued a U.S. Coast Guard Applicant Pilot Identification Card, which shall be valid until such time as (1) the applicant is registered as a pilot under § 401.210; (2) the applicant withdraws from the training

program; or (3) upon withdrawal by the Director.

§ 410.220 [Amended]

10. Section 401.220 *Registration of pilots* is amended by changing the word from "Administrator" to "Director" where the word appears in the section except in paragraph (b)(1) where the phrase is changed from "prescribed by the Administrator" to "prescribed by the Commandant." (Word "Administrator" is in paragraph (a), paragraph (b)(4), two times, paragraph (c), and paragraph (e)).

§ 401.230 [Amended]

11. Section 401.230 *Certificates of Registration* is amended by changing in paragraph (b) the word from "Administrator" to "Director"; by changing in paragraph (c) the name from "Great Lakes Pilotage Administration" to "U.S. Coast Guard," and the word "Administrator" to "Director"; by changing in paragraph (d) the word from "Administrator" to "Director" two times and the name "U.S. Department of Commerce" to "U.S. Coast Guard"; by changing in paragraph (e) the word from "Administrator" to "Director" two times; and by cancelling paragraph (f).

§ 401.240 [Amended]

12. Section 401.240 *Renewal of Certificates of Registration* is amended by changing in paragraph (a) the form reference from "Form SEC-315" to "Form CG-4509," the word from "Administrator" to "Director" (first sentence), the phrase from "Great Lakes Pilotage Administration, U.S. Department of Commerce, Washington, D.C. 20230" to "Director" (second sentence) and the name from "U.S. Department of Commerce" to "U.S. Coast Guard" (third sentence); by changing in paragraph (c) the word from "Administrator" to "Director"; by changing in paragraph (d) the word from "Administration" to "Commandant"; and by changing in paragraph (e) the word from "Administrator" to "Director."

13. Section 401.250 is amended to read as follows:

§ 401.250 *Suspension and revocation of Certificates of Registration.*

(a) Certificate of Registration issued pursuant to the provisions of this part may be suspended or revoked upon a determination on the record, after opportunity for a hearing in accordance with the Administrative Procedure Act, as amended (5 U.S.C. 551-559), that the pilot (holder) has violated any provision of this chapter or is no longer eligible for registration.

(b) When a Certificate of Registration which is about to expire is suspended, the renewal of such certificate may be withheld until the expiration of the period of suspension.

(c) In cases of willfulness or those in which the public health, interest, or safety requires a pilot registered pursuant to the provisions of this part may be denied dispatch for a period not in excess of thirty (30) days pending investigation

by the U.S. Coast Guard or appropriate agency having jurisdiction in the matter.

(d) Every U.S. Registered Pilot shall, whenever his license is revoked or suspended under the provisions of Part 137 of this title, deliver his Certificate of Registration simultaneously with his license to the U.S. Coast Guard. If the license is suspended, the Certificate of Registration will be held with the suspended license and returned to the holder upon expiration of the suspension period.

§ 401.260 [Amended]

14. Section 401.260 *Reports* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director"; and by changing in paragraph (c) the word from "Administration" to "Director."

Subpart C—Establishment of Pools by Voluntary Associations of U.S. Registered Pilots

§ 401.300 [Amended]

15. Section 401.300 *Authorization for establishment of pools* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director."

§ 401.310 [Amended]

16. Section 401.310 *Application for establishment of pools* is amended by changing in the introductory sentence the phrase from "prescribed by the Administrator" to "obtained from the Director."

§ 401.320 [Amended]

17. Section 401.320 *Requirements and qualifications for authorization to establish pools* is amended by changing in paragraph (a) the word from "Administrator" to "Director"; by changing in paragraph (d) in subparagraphs (2) and (3) the word from "Administrator" to "Commandant," and in subparagraphs (4) and (5) the word from "Administrator" to "Director."

§ 401.330 [Amended]

18. Section 401.330 *Certificates of Authorization* is amended by changing in paragraphs (a) and (b) the word from "Administrator" to "Director."

§ 401.340 [Amended]

19. Section 401.340 *Compliance with working rules of pools* is amended by changing in paragraph (c) the phrase from "executed on SEC-315, Application for Registration as a U.S. Registered Pilot," to "executed on the Application for Registration as a U.S. Registered Pilot."

Subpart D—Rates, Charges, and Conditions for Pilotage Services

§ 401.430 [Amended]

20. Section 401.430 *Prohibited charges* is amended by changing the word from "Administrator" to "Director."

§ 401.431 [Amended]

21. Section 401.431 *Disputed charges* is amended by changing in paragraphs (a), (d), and (f) the word from "Admin-

istrator" to "Director"; and by changing in paragraph (e) the word from "Administration" to "Director."

§ 401.440 [Amended]

22. Section 401.440 *Advance payment of charges* is amended by changing in the first sentence the word from "Administrator" to "Director."

Subpart E—Penalties: Operations Without Registered Pilots

§ 401.500 [Amended]

23. Section 401.500 *Penalties for violations* is amended by changing the name from "Secretary" to "Commandant."

24. Section 401.510 is amended to read as follows:

§ 401.510 *Operation without Registered Pilots.*

(a) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the vessel or its cargo is in distress or jeopardy.

(b) A vessel may be navigated in the U.S. waters of the Great Lakes without a United States or Canadian Registered Pilot when the Director, with the concurrence of the Commander, 9th Coast Guard District, notifies the master that a United States or Canadian Registered Pilot is not available.

(1) Notification to the master that a pilot is not available will be made by the Director through the appropriate pilotage pool, either orally or in writing as the circumstances admit, and shall not be deemed given until the notice is actually delivered to the vessel by the pilotage pool.

(2) The determination that a pilot is not available will be made on an individual basis and only when a vessel has given proper notice of its pilotage service requirements to the pilotage pool having dispatching jurisdiction at the time. The vessel has no obligation or responsibility with respect to such notification other than properly informing the pilotage pool of its pilotage requirements. However, the failure or delay by the pool in processing a pilotage service request, or refusal or delay by the Coast Guard in notifying the vessel that a pilot is not available, does not constitute constructive notice that a pilot is not available, and the vessel is not relieved by such failure or delay from compliance with the Great Lakes Pilotage Act of 1960.

(3) Upon receipt of proper notice of a vessel's pilotage requirements, the pilotage pool shall then determine from the tour de role the availability of a pilot to render the service required. If no pilot is reasonably expected to be available for service within 6 hours of the time the pilotage services are required by the vessel, the pilotage pool shall promptly inform the Director through the U.S. Coast Guard communications system in the manner as may be prescribed from time to time by the Commandant. The Director shall be informed of:

- (i) Name and flag of the vessel;
- (ii) Route of vessel for which a pilot is not available;
- (iii) Time elapsing before a pilot is reasonably expected to become available;
- (iv) Whether vessel has an "other officer" on board;
- (v) Familiarity of master with route to be transited by the vessel;
- (vi) Draft of vessel; and
- (vii) Any circumstances of traffic or weather, or condition of the vessel or its cargo which would adversely affect the safety of the vessel in transiting without a pilot.

(4) When a pilot is expected to become available within 6 hours of the time his services are required, the vessel shall be informed that a pilot is available and the approximate time he will report on duty. However, should any unusual circumstance or condition exist which may justify notification that a pilot is not available in less than 6 hours, the pilotage pool shall inform the Director as in subparagraph (3) of this paragraph, along with the circumstances involved. Every reasonable effort is to be made to prevent delay to the vessel consistent with the intent and purpose of the Great Lakes Pilotage Act of 1960.

(5) Any vessel which requires the services of a pilot and is navigated without a pilot or proceeds prior to receipt of a message that a pilot is not available pursuant to subparagraph (1) of this paragraph shall be reported as in violation of section 7 of the Great Lakes Pilotage Act of 1960 by the pilotage pool to the local Coast Guard unit having jurisdiction. If the message is received after the vessel proceeds, such message shall not be delivered without concurrence of the Coast Guard officer to whom the violation was reported.

(6) U.S. pilotage pools informing the Director that a pilot is not available for a vessel shall also obtain notice that a pilot is not available from the appropriate Canadian Supervisor of Pilots for those portions of the route which are in Canadian waters in the manner prescribed by them. The notice for Canadian District No. 1 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Cornwall, Ontario, and the notice for Canadian District No. 2 waters shall be obtained from the Supervisor of Pilots, Department of Transport, Port Weller, Ontario. Authority to issue notice for Canadian waters of District No. 3 has been granted to the Director by the Department of Transport, Ottawa, and separate notice from Canada for this District is not required until such time as separate Canadian pilotage dispatch facilities may be established.

(7) Notice that a pilot is not available shall not be delivered to any vessel unless the message contains the concurrence of the Commander, 9th Coast Guard District, and notice for Canadian waters of Districts No. 1 and No. 2, if required, has been obtained from the appropriate Canadian authority.

(8) In the event of an emergency or any other compelling circumstance, the Director may issue, without the specific

request for service as provided under subparagraph (2) of this paragraph individual or general notification that a pilot or pilots are not available. Pilotage pools shall advise the Director of any condition or circumstance coming to their attention which may warrant such a determination.

Subpart F—Procedure Governing Revocation or Suspension of Registration and Refusal To Renew Registration

§ 401.600 [Amended]

25. Section 401.600 *Right to hearing* is amended by changing in paragraph (a), first sentence, the name from "Great Lakes Pilotage Administration" to "U.S. Coast Guard"; and in paragraphs (a) (three times) and (b) (one time) the word from "Administration" to "Director."

26. Section 401.605 is amended to read as follows:

§ 401.605 Notice.

(a) The Director, upon receipt of notice that a U.S. Registered Pilot elects to exercise his rights to a hearing, shall arrange for a hearing and notify the pilot of the time, date and place it is to be held.

27. Section 401.610 is amended to read as follows:

§ 401.610 Hearing.

(a) The hearing shall be held at the time and place designated with due regard to the convenience and necessity of the parties.

(b) The hearing shall be held on the record before an Examiner appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105). Hearings shall be conducted in accordance with sections 5, 7, and 8 of the Administrative Procedure Act, as amended (5 U.S.C. 554, 556, 557).

§ 401.615 Representation.

(a) The U.S. Registered Pilot, designated "respondent" in a suspension or revocation hearing or "applicant" in a refusal-to-renew-registration hearing, may be represented before the Examiner by any person who is a member in good standing of the bar of the highest court of any State, Commonwealth, Territory, Possession, or the District of Columbia, upon filing with the Examiner a written declaration that he is currently qualified and is authorized to represent the particular party in whose behalf he acts.

(b) Whenever a person acting in a representative capacity appears in person or signs a paper in practice before the Examiner, Director, the Commandant, or other official of the Coast Guard, his personal appearance or signature shall constitute a representation that under the provisions of this subpart and applicable law he is authorized and qualified to represent the particular person in whose behalf he acts.

(c) When any Registered Pilot is represented by an attorney at law, any notice or other written communication required or permitted to be given to or by

such a U.S. Registered Pilot shall be given to or by such attorney. If a U.S. Registered Pilot is represented by more than one attorney, service by or upon any one of such attorneys shall be sufficient.

29. Section 401.620 is amended to read as follows:

§ 401.620 Burden of proof.

(a) In a suspension or revocation hearing, the Director shall have the burden of establishing, by substantial evidence, the grounds for a suspension or revocation of a Certificate of Registration held by a pilot, as stated in the letter addressed to such pilot notifying him of the Coast Guard's intention to suspend or revoke the pilot's registration.

(b) In a refusal-to-renew-registration hearing, the Director shall have the burden of establishing the grounds for the Director's determination under § 401.240(c) to deny renewal of the Certificate of Registration.

30. Section 401.630 is amended to read as follows:

§ 401.630 Appearance, testimony, and cross-examination.

(a) The U.S. Registered Pilot may appear in person or by counsel and may testify at the hearing, call witnesses in his own behalf, and cross-examine witnesses appearing in behalf of the Director.

(1) In any case in which the U.S. Registered Pilot, after being duly served with the notice of the time and place of the hearing, fails to appear at the time and place specified for the hearing, a notation to that effect shall be made in the record and the hearing may then be conducted "in absentia."

(2) The Examiner shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the allegations against the U.S. Registered Pilot.

(b) The Director through counsel shall appear, present evidence, call witnesses, and cross-examine the witnesses called on behalf of the U.S. Registered Pilot.

(c) In the discretion of the Examiner, other witnesses may testify at the hearing.

§ 401.645 [Amended]

31. Section 401.645 *Examiner's decision; exceptions thereto* is amended by changing in the second sentence the phrase from "Administrator of the Great Lakes Pilotage Administration" to "Director."

32. Section 401.650 is amended to read as follows:

§ 401.650 Review of Examiner's initial decision.

(a) The Commandant may, on his own motion, or on the basis of a petition filed by the U.S. Registered Pilot in the proceedings or the Director, review any initial decision of the Examiner by entering a written order stating that he elects to review the action of the Examiner. Copies of all orders for review,

replies, and decisions shall be served on all parties.

(b) A petition for review shall be in writing and shall state the grounds upon which the petition relies. A petition for review shall be limited to the record before the Examiner. Five (5) copies of such a petition for review, together with proof of service on all parties, shall be filed with the Commandant (CL) within fifteen (15) days after the date of service of the initial decision of the Examiner. Parties may file replies, in writing, to a petition for review, with proof of service on other parties in the same manner and number of copies as is provided for filing of a petition for review and within ten (10) days after the date the petition for review is timely filed. A reply shall be limited to the record before the Examiner and the petition for review.

(c) If a petition for review is filed within the time prescribed, the initial decision of the Examiner shall be final fifteen (15) days after expiration of the time prescribed for filing a reply thereto unless the Commandant prior to expiration of the fifteen (15) days after expiration of the time prescribed for filing a reply thereto enters a written order granting the petition for review. If no petition for review is filed within the time prescribed and the Commandant does not elect to review on his own motion, the initial decision of the Examiner shall be final twenty (20) days after the date of service of the decision.

(d) If the Commandant reviews the initial decision as provided in this section, he shall issue a written order affirming, amending, overruling, or remanding the initial decision of the Examiner within thirty (30) days after the date on which he takes review.

(e) Except in the case of revocation, when the respondent may appeal the Commandant's decision on the review of the Examiner's initial decision to the National Transportation Safety Board, there shall be no other administrative remedy within the Department of Transportation.

PART 402—GREAT LAKES PILOTAGE RULES AND ORDERS

Subpart A—General

§ 402.100 [Amended]

33. Section 402.100 *Purpose* is amended by changing the word from "Administrator" to "Commandant".

Subpart B—Registration of Pilots

§ 402.210 [Amended]

34. Section 402.210 *Requirements and qualifications for registration* is amended by changing in paragraph (a) the form number from "(SEC-315)" to "(CG-4509)" and the name from "Great Lakes Pilotage Administration" to "Director".

Subpart C—Establishment of Pools by Voluntary Associations of United States Registered Pilots

§ 402.320 [Amended]

35. Section 402.320 *Working rules* is amended by changing in paragraph (a) (two times) the word from "Administrator" to "Director".

(Sec. 4, 74 Stat. 260, sec. 6(a)(4), 80 Stat. 936; 46 U.S.C. 216b, 49 U.S.C. 1655(a)(4); Department of Transportation Order 1100.1, Mar. 31, 1967, 40 CFR 1.4(a)(1), 32 F.R. 5606)

PART 403—GREAT LAKES PILOTAGE UNIFORM ACCOUNTING SYSTEM

36. The authority for Part 403 is amended to read as follows:

AUTHORITY: The provisions of this Part 403 issued under secs. 4 and 5, 74 Stat. 260, 261, sec. 6(a)(4), 80 Stat. 936; 46 U.S.C. 216b, 216c, 49 U.S.C. 1655(a)(4); Department of Transportation Order 1100.1, Mar. 31, 1967, 40 CFR 1.4(a)(1), 32 F.R. 5606.

General Accounting Provisions

1. INTRODUCTION TO SYSTEM OF ACCOUNTS AND REPORTS

37. Item "1. *Applicability of System of Accounts and Reports*" in section 1 is amended by changing in the first sentence the name from "Great Lakes Pilotage Administrator" to "Director"; and by changing in the second sentence the name from "Administration" to "Commandant".

38. Item "2. *Waivers from this System of Accounts and Reports*" in section 1 is amended by changing in the first sentence the name from "Administrator" to "Director".

39. Item "5. *Records*" in section 1 is amended by changing in paragraph (c) the phrase from "representatives of the Great Lakes Pilotage Administration" to "representatives of the U.S. Coast Guard," and the name from "Administration" to "Commandant".

40. Item "7. *Interpretation of accounts*" in section 1 is amended by changing the name from "Administrator" to "Director".

41. Item "8." in section 1 is amended to read as follows:

8. *Address for reports and correspondence.* Reports, statements, and correspondence submitted in accordance with or relating to instructions and requirements contained in this part shall be addressed to the Commander, 9th Coast Guard District (dgp), Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

42. Item "9. *Conversion to this system of accounts and reports*" in section 1 is canceled.

2. GENERAL ACCOUNTING POLICIES

43. Item "2. *Accounting period*" in section 2 is amended by changing in paragraph (a) the name from "Administration" to "Director".

6. DESCRIPTION AND CLASSIFICATION OF BALANCE SHEET ACCOUNTS DEFERRED CREDITS

44. Description and classification item "2340 *Deferred Federal income taxes*" in section 6 is amended by changing in paragraph (e) the name from "Administration" to "Director".

Interassociation Settlements

10. GENERAL

45. Item "1." in section 10 is amended by striking out the words "the Secretary of Commerce of" and by striking out the words "the Minister of Transport of".

Financial Reporting

11. REPORTING REQUIREMENTS

46. Item "1." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director".

47. Item "3." in section 11 is amended by changing the name from "Administrator" to "Director".

48. Item "4." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director".

49. Item "5." in section 11 is amended by changing the name from "Great Lakes Pilotage Administration" to "Director" and the name from "Administrator" to "Director".

Bonds

12. FIDELITY BONDS

50. The third undesignated paragraph in section 12 is amended by changing the name from "Administration" to "Director".

Budgets

13. OPERATING BUDGETS

51. The first undesignated paragraph in section 13 is amended by changing the name from "Administrator" to "Director".

Accounting Records

14. UNIFORM PILOTS SOURCE FORM

52. Section 14 is amended by changing in the first undesignated paragraph the name from "Great Lakes Pilotage Administration" to "Director"; and by changing in the fourth undesignated paragraph the name from "Administration" to "Director".

Dated: October 9, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

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8:47 a.m.]