[Docket No. 13]

PART 255—INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Appendix A—Interpretations

CONTROLS AND REARVIEW MIRRORS

In response to inquiries for interpretation of certain of the initial Federal Motor Vehicle Safety Standards and regulations published in the FEDERAL REGISTER February 3, 1967 (32 F.R. 2408), under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority of October 20, 1966 (31 F.R. 13932), and January 24, 1967 (32 F.R. 1005), the following interpretations have been formulated and adopted by the National Traffic Safety Agency for the guidance of the public and are hereby published in the FEDERAL REGISTER in accordance with 5 U.S.C. 552(b).

Issued in Washington, D.C., on March 29, 1967.

LOWELL K. BRIDWELL,
Acting Under Secretary of Commerce for Transportation.

MOTOR VEHICLE SAFETY STANDARD NO. 101

CONTROL LOCATION AND IDENTIFICATION—PASSENGER CARS

The requirement of paragraph S3.2 that specified controls shall be identified to permit recognition may be met with words or symbols and need only be demonstrated under daylight lighting conditions.

MOTOR VEHICLE SAFETY STANDARD NO. 111

REARVIEW MIRRORS—PASSENGER CARS AND MULTIPURPOSE PASSENGER VEHICLES

(1) When a supplemental mirror is furnished in addition to the inside rearview mirror and the driver's side outside rearview mirror, the supplemental mirror need not be adjustable from the driver's seat.

(2) The location of the driver's eye reference point may be that established in Motor Vehicle Safety Standard No. 104, or it may be a nominal location appropriate for any 95th percentile male driver.

(3) The horizontal angle is measured from the projected eye point, rather than the plane of the mirror.

[F.R. Doc. 67-3842; Filed, Apr. 3, 1967; 8:47 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER Q—SPECIFICATIONS

[CGFR 66-73]

PART 160—LIFESAVING EQUIPMENT

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

REVISION OF MANUFACTURERS' REQUIREMENTS AND WITHDRAWAL OF CERTAIN CERTIFICATES OF APPROVAL

The purpose of the amendments in this document is to revise and bring up to date the specification regulations governing manufacturers of unicellular plastic foam life preservers. Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of February 10, 1966 (31 F.R. 2264), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG-240), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views, and data. The proposed changes considered included specification regulations for unicellular plastic foam life preservers, which were identified as Item VIII (CG-240, pages 119 to 125, inclusive). As revised by the Merchant Marine Council, this proposal is approved and the specification regulations are set forth in this document. The actions of the Merchant Marine Council with respect to the comments received regarding unicellular plastic foam life preservers are approved.

The specification designated 46 CFR Subpart 160.055, consisting of §§ 160.055-1 to 160.055-9, inclusive, is revised and is reprinted below in this document in its entirety. The Type I Standard, Models C1 and C5, unicellular plastic foam life preservers was discontinued. The design for the vinyl dip coated unicellular plastic foam life preservers is revised. A new model unicellular plastic foam life preserver is developed which utilizes a cloth covering. These two new standard designs are identified as Type IA Standard, Models C2 and C6, for the vinyl dip coated plastic foam life preservers, and Type IB Standard, Models C3 and C7, for the cloth covered plastic foam life preservers. The new standard designs permit cold weather donning, with one motion accomplishing the securing and adjusting. Further the new designs include the stowage characteristics desired by operators of ferry and excursion steamers. The preliminary draft of this specification was given to those persons and companies who had expressed an interest in this subject. They were requested to check the proposed specification from a production standpoint and to comment thereon.

In this revision changes in 46 CFR 160.055-1 to 160.055-5, inclusive, were made. Briefly, these changes include revising and bringing up to date referenced specifications, standards, and plans; a revised design providing for the splitting of the front of the bib into two legs, and squaring of the outer border around the neck hole from the previous circular outer edge; and a revised body strap arrangement, which limits the distance of separation of the bib legs while donning but still providing full reversibility. The marking provisions in 46 CFR 160.055-9 were modified to show the various standard types of these life preservers, as well as to require the marking to show that it is "Approved for use on all vessels and motorboats."

Withdrawal of certificates of approval. In January 1966, the Coast Guard's attention was directed at a problem of donning certain vinyl dip coated plastic foam life preservers which lost a considerable amount of flexibility after exposure to temperatures below 28° F. This loss in flexibility could prevent a person from stretching the head opening wide enough to don these life preservers. Upon notification, the manufacturers accepted suspension of the outstanding certificates of approval bearing Approval Nos. 160.055/1/0 through 160.055/29/0. The Coast Guard's actions suspending these approvals are reaffirmed and all these certificates of approval are terminated.

By a Notice to Mariners, instructions were directed to all vessels on routes where the air temperatures would be below 28° F. that have on board unicellular plastic foam life preservers bearing Approval Nos. 160.055/1/0 through 160.055/29/0, urging that such approved life preservers should be checked for donning at these low temperatures. It was recommended that such life preservers be stowed inside the vessel or transferred to other vessels on routes with warmer air temperatures.

Because certain vinyl dip coated unicellular plastic foam life preservers lost their flexibility at temperatures below 28° F. so that it is not possible to stretch the head opening wide enough to don such life preservers, it has been deemed necessary that such life preservers bearing Approval Nos. 160.055/1/0, 160.055/2/0, 160.055/5/0, 160.055/6/0, 160.055/7/0, 160.055/8/0, 160.055/11/1, 160.055/12/1, 160.055/20/1, 160.055/21/1, 160.055/22/0, 160.055/28/0, and 160.055/29/0 shall be removed from all vessels, including motorboats, and the Coast Guard approval markings thereon shall be obliterated so that such life preservers may not be carried as a lifesaving appliance meeting the requirements in any inspection law or the Motorboat Act of 1940, as amended, and implementing regulations in 46 CFR Chapter I. It is urged that such life preservers be replaced as soon as possible. Effective November 1, 1967, such life preservers shall not be carried on board any vessel or motorboat as approved equipment. The certificates of approval issued to manufacturers of such life preservers, suspended by letters dated January 25, 1966, are also withdrawn. Any life preservers bearing such approval numbers and in good and serviceable condition may be used on board vessels and motorboats only until October 31, 1967. Any person aggrieved by this withdrawal of approval and removal of such life preservers from use as approved equipment on vessels and motorboats may appeal to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20226, in writing within 30 days after publication of this document in the FEDERAL REGISTER. Such an appeal shall set forth the reasons why this decision or action should be set aside or revised.

Revised specification. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), to promulgate regulations in accordance with the laws cited with the regulations below, the following revision

of §§ 160.055–1 to 160.055–9, inclusive, is prescribed:

Subpart 160.055—Life Preservers, Unicellular Plastic Foam, Adult and Child, for Merchant Vessels

Sec.

AUTHORITY: The provisions of this Subpart 160.055 interpret or apply R.S. 4417a, as amended, 4426, as amended, 4488, as amended, 4419, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, as amended, 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, and sec. 3, 68 Stat. 675; 46 U.S.C. 391a, 404, 481, 489, 367, 526e, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 820; 167–20, June 18, 1956, 21 F.R. 4294; CGFR 56–28, July 24, 1956, 21 F.R. 5659; 167–38, Oct. 26, 1959, 24 F.R. 8857.

§ 160.055–1 Applicable specifications, standards, and plans.

(a) *Specifications.* The following specifications and standards, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL–W–530—Webbing, Textile, Cotton, General Purpose, Natural or in Colors.
MIL–T–3530—Treatment, Mildew-Resistant for Thread and Twine.
MIL–W–17337—Webbing, Woven, Nylon.
MIL–C–43006—Cloth, Laminated, Vinyl-Nylon, High Strength, Flexible.

(2) Federal specifications:

CCC–A–700—Artificial Leather, Cloth, Coated, Vinyl Resin (Upholstery).
CCC–C–426—Cloth, Drill, Cotton.
CCC–T–191—Textile Test Methods.
V–T–276—Thread, Cotton.
V–T–295—Thread, Nylon.

(3) Federal standards:

No. 595—Color.
No. 751—Stitches, Seams, and Stitchings.

(4) American Society for Testing and Materials (ASTM) Standards:

D413—Adhesion of Vulcanized Rubber (Friction Test).
D570—Water Absorption of Plastics.
D882—Tensile Properties of Thin Plastic Sheets and Films.
D1004—Tear Resistance of Plastic Film and Sheeting.

(5) Coast Guard specification:

164.015—Plastic Foam, Unicellular, Buoyant, Sheet and Molded Shape.

(b) *Plans.* The following plans, of the issue in effect on the date unicellular plastic foam life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.055–1A:
Sheet 1—Construction and Arrangement, Vinyl Dip Coated, Model 62, Adult.
Sheet 2—Construction and Arrangement, Vinyl Dip Coated, Model 66, Child.
Dwg. No. 160.055–1B:
Sheet 1—Construction and Arrangement, Cloth Covered, Model 63, Adult.
Sheet 2—Buoyant Inserts, Model 63.
Sheet 3—Construction and Arrangement, Cloth Covered, Model 67, Child.
Sheet 4—Buoyant Inserts, Model 67.

(c) *Copies on file.* Copies of the specifications, standards, and plans referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Coast Guard Specification and plans may be obtained upon request from the Commandant, U.S. Coast Guard, Washington, D.C. 20226. The Federal Specifications and the Federal Standards may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407. The Military Specifications may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, Pa. 19120. The ASTM Standards may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

§ 160.055–2 Types and models.

(a) Life preservers specified by this subpart shall be of the following types and models:

Type IA—Standard, Bib Type, Vinyl Dip Coated:
Model 62—Adult.
Model 66—Child.
Type IB—Standard Bib Type, Cloth Covered:
Model 63—Adult.
Model 67—Child.
Type II—Nonstandard, Shaped Type:
Model [1]—Adult.
Model [1]—Child.

§ 160.055–3 Materials—Standard, Bib Types IA and IB life preservers.

(a) *General.* All materials used in the construction shall be obtained from suppliers who furnish an affidavit certifying that the material meets the requirements of the applicable reference specifications. The requirements for materials specified in this section are minimum requirements, and consideration will be given to the use of alternate materials in lieu of those specified. Detailed technical data and samples of all proposed alternate materials shall be submitted for acceptance prior to being incorporated in the finished product.

(b) *Unicellular plastic foam.* The unicellular plastic foam shall be all new material complying with the requirements of Subpart 164.015 of this chapter for Type A foam.

(c) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N.Y., or Scarlet Munsell 7.5 Red 6/10. The drill shall be evenly dyed, and the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section. The finished goods shall contain not more than 2 percent residual sizing or other nonfibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 74 in the warp and 56 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of Federal Specification CCC–C–426 for Type I, Class 3 drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(d) *Thread*—(1) *Cotton thread.* The thread shall be Type IB, No. 20 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a Class I (Copper-8) or Class II (G–4) mildew-inhibitor as specified in specification MIL–T–3530.

(2) *Nylon thread.* This thread shall be Class I, Type I, or II, Size E, nylon thread in accordance with the requirements of Federal Specification V–T–295.

(e) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1 percent of the dry weight of the finished goods.

(f) *Adhesive.* The adhesive shall be an all-purpose waterproof vinyl type. (Minnesota Mining and Manufacturing Co. EC–870 or EC–1070, United States Rubber Co. M–6256, Herculite Protective Fabrics Corp., CVV, Pittsburgh Plate Glass Co. R 828, or equal.)

(g) *Reinforcing fabric.* The reinforcing fabric shall be Type III, Class I, laminated vinyl-nylon high strength cloth in accordance with the requirements of Specification MIL–C–43006.

(h) *Webbing.* There are no restrictions as to color, but the fastness of the color to laundering, water, crocking, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, 5650, and 5660. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(i) *Nylon webbing.* This webbing shall be 1-inch wide nylon webbing in accordance with the requirements of Specification MIL–W–17337.

(j) *Cotton webbing.* This webbing shall be 1-inch cotton webbing meeting

[1] Model designations for Type II, Nonstandard life preservers, are to be assigned by individual manufacturers. Designations shall differ from any standard lifesaving device.

the requirements of Specification MIL-W-530 for Type IIb webbing. This webbing shall be treated with a mildew-inhibitor of the type specified in paragraph (e) of this section.

(i) *Hardware.* All hardware shall be brass, bronze, or stainless steel, and of the approximate size indicated by the drawings. Steel hardware, protected against corrosion by plating, is not acceptable. Snap hook springs shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring, o-ring, slide adjuster and snap hook ends shall be welded or brazed, or they may be a one-piece casting. The complete body strap assembly shall have a minimum breaking strength of 360 pounds.

(j) *Coating.* The coating for the plastic foam shall be a liquid elastomeric vinyl compound. The coating shall be International Orange in color (Color No. 12197 of Federal Standard 595) or Scarlet Munsel 7.5, Red 6/10 and shall meet the following requirements in Table 160.055-3(j):

TABLE 160.055-3(j)

Property	Test method	Requirement
Tensile strength	ASTM-D882, Method B, ½ in. dumbbell die.	1,200 p.s.i., minimum.
Ultimate elongation	ASTM-D882, Method B, ½ in. dumbbell die.	220 percent, minimum.
Tear resistance	ASTM-D1004, Constant Elongation Machine.	90 pounds per inch, minimum.
Abrasion resistance	FS CCC-T-191, Method 5304, No. 8 cotton duck, 6 lb. tension, 2 lb. pressure.	100,000 double rubs.
Blocking	FS CCC-T-191, Method 5872, 30 minutes at 180° F., ½ p.s.i.	No blocking.
Accelerated weathering	FS CCC-T-191, Method 5670, 120 hours	Color change—very slight. Cracking—None. Flexibility—No change.
Plasticizer heat loss	FS CCC-A-700, paragraph 4.4.4, 48 hours at 221° F.	8 percent, maximum.
Adhesion to foam—Tensile pull	ASTM-D413, machine method, 12 in. per minute, 1 in. strip.	
Film to foam skin		4 lb./in., minimum.
Film to foam (no skin)		2 lb./in., minimum.
Water absorption	ASTM-D570, 24 hours at 70° F.	0.8 percent, maximum.
Cold crack (unsupported film) 0° F.	Coast Guard, 164.015, paragraph 164.015-4(j).	No cracking.

§ 160.055-4 Materials—Nonstandard, Type II life preservers.

(a) *General.* All materials used in nonstandard Type II life preservers shall be at least equivalent to those specified in § 160.055-3 for standard Type IA or IB life preservers.

§ 160.055-5 Construction—Standard, Bib Types IA and IB life preservers.

(a) *General.* This specification covers life preservers which essentially consist of [illegible] foam buoyant material arranged and distributed so as to provide the flotation characteristics and buoyancy required to hold the wearer in an upright or slightly backward position with head and face clear of the water. The life preservers are also arranged so as to be reversible and are fitted with straps and hardware to provide proper adjustment and fit to the bodies of various size wearers.

(b) *Construction—Standard, Bib Type IA, vinyl dip coated life preservers.* This type is one piece of unicellular plastic foam, with neck hole and body slitted down the front, vinyl dip coated, and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be a molded shape or made from one or two sheets of foam finished so as to have dimensions after coating in accordance with the pattern shown on Dwg. No. 160.055-1A, Sheet 1, for adult size and Sheet 2 for child size. The reinforcing fabric shall be cemented on the foam buoyant body before coating.

(2) *Coating.* After all cutting and shaping of the buoyant body and installation of the reinforcing fabric, the entire body of the life preserver shall be coated evenly and smoothly to a minimum thickness of 0.010" with a liquid vinyl coating material of the type described in § 160.055-3(j).

(3) *Body strap.* After the coating on the buoyant body of the life preserver is fully cured, a nylon webbing body strap shall be attached as shown on Dwg. No. 160.055-1A.

(4) *Stitching.* All stitching shall be a short lock stitch, conforming to Stitch Type 301 of Federal Standard 751, with nylon thread, and there shall be not less than 9 nor more than 11 stitches to the inch. Bar tacking with nylon thread is acceptable as noted on Dwg. No. 160.055-1A.

(c) *Construction—Standard, Bib Type IB, cloth covered life preservers.* This type is three sections of unicellular plastic foam contained in a cloth envelope which has a neck hole and is slitted down the front and fitted with an adjustable body strap.

(1) *Buoyant material.* The buoyant material of the life preserver shall be three sections of foam cut so as to have finished dimensions in accordance with the patterns shown on Dwg. No. 160.055-1B, Sheet 2, for adult size and Sheet 4, for child size. One or two layers of foam may be used to make up each section.

(2) *Envelope.* The envelope shall be cut to the pattern shown on Dwg. No. 160.055-1B, Sheet 1, for adult size, and Sheet 3, for child size, and joined by seams and stitching as shown on the drawing. Alternate finished envelopes are permitted as noted on Dwg. No. 160.055-1B.

(3) *Body strap.* The body strap may be cotton or nylon webbing and shall be attached by stitching as shown on the Dwg. No. 160.055-1B, Sheet 1, for adult size and Sheet 3, for child size.

(4) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Standard No. 751, and there shall be not less than 7 nor more than 9 stitches to the inch if cotton thread is used, and not less than 9 nor more than 11 if nylon thread is used. Bar tacking is acceptable as noted on Dwg. No. 160.055-1B.

(d) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.055-6 Construction — Nonstandard Type II life preservers.

(a) *General.* Construction methods used in non-standard Type II life preservers shall be at least equivalent to those specified in § 160.055-5 for standard Type I life preservers. Nonstandard Type II life preservers also shall meet the additional requirements specified in this section.

(b) *Sizes.* Type II life preservers shall be constructed in sizes which correspond to those specified in § 160.055-2 for Type I life preservers, i.e., adult size and child size.

(c) *Volume of buoyant material.* Adult size Type II life preservers shall contain not less than 700 cubic inches of plastic foam buoyant material; and child size not less than 350 cubic inches.

(d) *Arrangement of buoyant material.* The buoyant material in Type II life preservers shall be located and arranged so as to turn and hold the wearer in an upright or backward position with head and face out of water. Type II life preservers shall show no tendency to turn a wearer face downward in the water, and at least 68 percent and no more than 73 percent of the total buoyant material in any Type II model shall be located in the front sections.

(e) *Adjustment, fit, and donning.* Type II life preservers shall be reversible and capable of being readily and easily adjusted to fit the range of wearers for which designed. Donning time shall compare favorably with that of standard Type I life preservers.

§ 160.055-7 Sampling, tests, and inspections—Types I and II life preservers.

(a) *General.* When production is to commence on life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard

inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U.S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the Marine Inspector shall select samples in accordance with Table 160.055–7(b)(1) to be tested for buoyancy in accordance with paragraph (d) of this section.

TABLE 160.055-7(b)(1)—SAMPLING FOR BUOYANT TESTS

Lot size	Number of life preservers in sample
100 and under	1
101 to 200	2
201 to 300	3
301 to 500	4

(2) For a lot next succeeding one from which any life preservers failed the buoyancy test, the sample shall consist of not less than 10 specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the marine inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket may be weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the life preserver inside the basket, and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the life preserver to remain submerged for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise exposed to air.

(3) After the 24-hour submergence period, unlock or unseal the tank and weigh the wire basket with the life preserver inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* Adult size life preservers shall provide not less than 22 pounds buoyancy in fresh water, and child size life preservers shall provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examinations and tests as are necessary to satisfy himself that the life preservers have been manufactured according to the applicable requirements. Nonconforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the marine inspector, and shall provide labor for all handling of life preservers requisite for lot inspection.

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the applicable requirements, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's Initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test, 10 additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the 10 additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the 10 additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or more nonconforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected any additional units having the same kind of defect. Nonconforming units which are eliminated in the lot inspection may be resubmitted for inspection, provided that all defects have been corrected to the satisfaction of the marine inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be reworked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all nonconforming units, following which the remainder of the lot may be resubmitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

(i) *Additional tests for Type II life preservers.* For Type II life preservers additional tests such as tests to determine performance in the water, extended service test to determine suitability of materials, tests to determine comparative donning time and ease of adjustment, and such other tests as may be necessary to determine equivalence to the standard Type I life preservers, may be required prior to approval or during inspection of production lots.

§ 160.055–8 Marking—Types I and II life preservers.

(a) *General.* Each life preserver shall be plainly marked across the front in letters not less than ¾" in height with the word "ADULT" or "CHILD," as the case may be, and in letters ¼" to ⅜" in height with "Type (IA, IB, or II) Model No. _____, Unicellular Plastic Foam Life Preserver—Approved for Use on All Vessels and Motorboats (Manufacturer's Name and Address), U.S.C.G. Approval No. _____." The marking shall be plainly printed in waterproof ink.

§ 160.055–9 Procedure for approval—Types I and II life preservers.

(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U.S. Coast Guard, Washington, D.C. 20226. Each model life preserver is considered separately. Application for approval and correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Approval of Type I life preservers.* Upon receipt of an application for approval of standard Type IA or IB life preservers, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select from not less than 10 life preservers already manufactured not less than three of each model for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen life preserver selected from those already manufactured, and one copy of an affidavit for each material used will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the Type I life preserver submitted.

(c) *Approval of Type II life preservers.* Upon receipt of an application for approval of non-standard Type II life preservers, the Commander of the Coast

Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select three sample life preservers of each model for which approval is desired. The sample life preservers will be forwarded to the Commandant, together with a copy of the marine inspector's report. At the time the preapproval samples are selected, the manufacturer shall also submit to the marine inspector four prints each of fully dimensioned, full scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers. After examination of the samples, drawings, and other materials submitted, the manufacturer will be advised of any changes or corrections considered necessary, and any additional samples or other material required. If the samples, drawings, and other material are found satisfactory, tests of the samples will be authorized. If the results of the tests are satisfactory, an official approval number will be assigned to the manufacturer for the Type II life preserver submitted.

(d) *Private brand labels.* Private brand labels are those bearing the name and address of a distributor in lieu of the manufacturer. In order for a manufacturer to apply for an approval number to be used on such a private brand label, he shall forward a letter of request to the Commander of the Coast Guard District in which the factory is located, setting forth the life preservers involved, together with a letter from his distributor also requesting that approval be issued. The manufacturer's request for approval, together with that of his distributor, will be forwarded to the Commandant, and when deemed advisable, an approval number or numbers will be issued in the name of the distributor. Approvals issued to a distributor under such an arrangement shall apply only to life preservers made by the manufacturer named on the certificate of approval, and this manufacturer shall be responsible for compliance of the life preservers with the requirements of this subpart.

Dated: March 30, 1967.

[SEAL] P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67-3661; Filed Mar. 31, 1967; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 66-19; General Order 21]

PART 513—AUDITS AND AUDITING PROCEDURES

This rule making proceeding was instituted by the Commission by notice published in the FEDERAL REGISTER on April 8, 1966 (31 F.R. 5575), following the remand of the U.S. Court of Appeals for the District of Columbia Circuit in Alcoa Steamship Company v. Federal Maritime Commission and United States of America, 121 U.S. App. D.C. 144, 348 F. 2d 753 (1965). Reference is made to the Court of Appeals' opinion and the notice of proposed rule making for a complete discussion of the background of the proceedings.

Briefly, however, this proceeding had its genesis when Alcoa Steamship Co., a common carrier by water engaged in the domestic offshore trades of the United States and subject to the regulatory jurisdiction of this Commission, filed with the Commission its annual financial report for the calendar year 1963. In order to verify the contents of the report, the Commission sought to audit the corporate records of Alcoa, but attempts to conduct an audit were unsuccessful. Thereafter, on April 7, 1964, the Commission issued an order pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820), requiring that Alcoa produce at the Commission's offices certain named books and records for the purpose of verifying the 1963 financial report. Alcoa promptly filed a petition to review the order with the U.S. Court of Appeals for the District of Columbia Circuit (No. 18,057).

Subsequent to the filing of the petition to review the order, the Commission issued final rules in its Docket No. 1152, Reports of Rate Base and Income Account of Domestic Offshore Carriers, which were published in the FEDERAL REGISTER on June 17, 1964 (29 F.R. 7721), as 46 CFR Part 512. These rules required the filing of reports covering rate base and income account for each regulated common carrier trade as distinguished from the corporate-wide financial reports required by the Commission under its General Order 5. The rules contained a provision requiring that all working papers used in support of reports submitted to the Commission pursuant to the rules would be made available to the Commission's auditors, and that the auditors could make copies of such working papers as they desired. Alcoa again filed a petition to review with the Court of Appeals, seeking review of the provision of the rules permitting audits (No. 19,037). The cases were briefed and argued separately, but the Court of Appeals consolidated them for decision.

The Court remanded both the order and the rule to the Commission for reconsideration in the light of its opinion. It found that section 21 did not contain authority for auditing original corporate records and documents, but that the relatively new section 43 of the Shipping Act, 1916 (46 U.S.C. 841a), enacted in 1961, authorized the Commission "to adopt procedural rules comparable to its sister agencies." 348 F. 2d at 761. Section 43, the Court held, authorized the adoption of rules which would permit inspection of original corporate records and documents, provided the Commission found that such rules were necessary to substantive regulation under the Act, and that an unequal burden was not imposed by the rules on American-flag carriers vis-a-vis their foreign-flag competitors. The Court then went on to state that the Commission had demonstrated that access by its auditors was necessary to substantive regulation under the Intercoastal Shipping Act, 1933.

Proceeding in conformity with the opinion and mandate of the Court of Appeals, the Commission instituted this rule making proceeding in order to allow complete consideration of the problems raised by the Court and those which might be raised by interested parties as regards audits by Commission personnel of original corporate records. The precise issue before the Commission had already been framed by the Court of Appeals; i.e., did access by Commission auditors result in the imposition of an unequal burden on American-flag carriers. We think the Court's language on this point bears repeating:

> The Commission's determination whether a burden is likely to occur may not lightly be disturbed on review since the Commission has close acquaintance with the problems involved and the likely effects of its actions. In the context of audit or other inspection of corporate records, the Commission's inquiry might include, inter alia, consideration whether: (1) Matters discovered are likely to be disclosed to competitors who need not supply like information; (2) audit or inspection can be limited to particular records, whose disclosure would not be prejudicial; (3) being audited or inspected itself imposes a substantial, unshared burden on American carriers. 348 F. 2d at 760.

The proposed rules were drafted bearing in mind the questions raised by the Court. Moreover, the Commission asked that interested parties specifically address themselves to these problems, although other arguments were of course not foreclosed. The Commission received comments from six steamship companies and the Governments of the States of Hawaii and Alaska and the Commonwealth of Puerto Rico. After the comments were filed, the Commission heard oral argument.

The Commission has carefully considered the comments and arguments submitted, and the final rules promulgated herein have been drafted with these comments and arguments in mind. Comments and arguments not discussed herein have been considered and found not relevant or justified.

Initially, the Commission's authority to promulgate rules concerning audits has been challenged because it is argued, section 43 confers rule-making authority on the Commission only with respect to the Shipping Act, 1916, and not in Intercoastal Shipping Act, 1933. We think this argument is without merit. Section 7 of the Intercoastal Shipping Act states:

> The provisions of the Shipping Act, 1916, as amended, shall in all respects, except as amended by this Act, continue to be applicable to every carrier subject to the provisions of this Act. [46 U.S.C. 847]

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