

where applicable, direction relative to mounting.

(iv) A statement that the test and associated examination were conducted and all applicable requirements of this subpart are met.

(v) Any necessary remarks or supplementary data, including limitations imposed and the reason thereof.

(vi) Name of accredited person and identification of authorized representative actually conducting test and/or examination.

(vii) Authorized signature of accredited person; date and place of test and/or examination.

(2) Annual examination of cranes or derricks—

(i) Information specified in paragraphs (b)(1) (i), (v), (vi), and (vii) of this section.

(ii) A statement that the required examination has been carried out and that, in the opinion of the accredited person or his authorized representative, the equipment has been found in compliance in all applicable respects with the requirements of this subpart.

(3) Annual examination of bulk cargo loading or discharging spouts or suckers—

(i) Specific identification of equipment.

(ii) A statement that examination has been completed and that, in the opinion of the accredited person or his authorized representative, the equipment meets the criteria of § 1919.81(a).

(iii) Information specified in paragraphs (b)(1) (v), (vi), and (vii) of this section.

(c) Certificates relating to wire rope, whether tested by or under the supervision of the accredited person or by its manufacturer and whether or not issued on the basis of the manufacturer's certificates, shall follow the general format of a wire rope test form approved by the Administration.

(d) Accredited persons shall advise owners of affected equipment of the necessity for maintaining required documentation or acceptable copies thereof available for inspection at or near the worksite of the equipment involved.

(1) Where initial and periodic tests as well as annual examinations are required, documentation available for inspection shall include the latest unit

test certificate and any subsequent annual examination certificates, together with wire rope test certificates relating to any replacements since the last unit test or annual examination.

(2) Where only annual examination is required, documentation available for inspection shall include the latest annual examination certificate and wire rope test certificates relating to any wire replaced since the last annual examination.

(3) In the event that the heat treatment of any loose gear is recommended by its manufacturer, the latest heat treatment certificate, attesting to compliance with the manufacturer's specifications, shall be part of the available documentation.

(e) No certification shall be issued until any deficiencies considered by the accredited person to constitute a currently unsatisfactory condition have been corrected. Replacement parts shall be of equal or better quality than original equipment and suitable for the purpose. In the event deficiencies remain uncorrected and no certification therefore is issued, the accredited person shall inform the nearest district office of the Administration of the circumstances.

(Section 1919.90 contains a collection of information which has been approved by the Office of Management and Budget under OMB Control No. 1218-0003)

[39 FR 22096, June 19, 1974, as amended at 61 FR 5509, Feb. 13, 1996]

## **PART 1920—PROCEDURE FOR VARIATIONS FROM SAFETY AND HEALTH REGULATIONS UNDER THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT**

Sec.

1920.1 Purpose.

1920.2 Variances.

**AUTHORITY:** Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); sec. 6, Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

### **§ 1920.1 Purpose.**

This part governs the procedure for the granting of variations from the

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safety and health regulations established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act. The part provides the same procedures under this Act as are available for considering variances under the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

[37 FR 10800, May 31, 1972]

### § 1920.2 Variances.

(a) Variances from standards in parts 1915 through 1918 of this chapter may be granted in the same circumstances in which variances may be granted under sections 6(b) (6)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances from Parts 1915–1918 of this chapter are those published in Part 1905 of this chapter.

(b) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from §§ 1910.13 through 1910.16 of this chapter which adopt parts 1915–1918 of this chapter, shall be deemed a variance from the standard under both the Longshoremen's and Harbor Workers' Compensation Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

[37 FR 10800, May 31, 1972]

## PART 1921—RULES OF PRACTICE IN ENFORCEMENT PROCEEDINGS UNDER SECTION 41 OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

### Subpart A—Applicability of Rules; Definitions

Sec.

- 1921.1 Applicability of rules.
- 1921.2 Definitions.

### Subpart B—Prehearing Procedures

- 1921.3 Complaints.
- 1921.4 Answer.
- 1921.5 Motions and requests.
- 1921.6 Intervention.
- 1921.7 Stipulations of compliance.
- 1921.8 Consent findings and order.
- 1921.9 Prehearing conferences.

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### Subpart C—Hearing and Related Matters

- 1921.10 Appearances.
- 1921.11 Postponement or change of place of hearing.
- 1921.12 Hearing.

### Subpart D—Decision and Order

- 1921.13 Decision of the hearing examiner.
- 1921.14 Exceptions.
- 1921.15 Transmittal of record.
- 1921.16 Decision and order of the Director.

### Subpart E—Miscellaneous

- 1921.17 Service; copies of documents and pleadings.
- 1921.18 Witnesses and fees.
- 1921.19 Depositions.
- 1921.20 Subpoenas.
- 1921.21 Hearing examiners.
- 1921.22 Computation of time.

AUTHORITY: Sec. 41, Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941); 5 U.S.C. 301.

SOURCE: 27 FR 4165, May 2, 1962, unless otherwise noted. Redesignated at 28 FR 7909, Aug. 2, 1963, and further redesignated at 36 FR 25232, Dec. 31, 1971.

### Subpart A—Applicability of Rules; Definitions

#### § 1921.1 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 1915 and 1918 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.

#### § 1921.2 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 DC 20210.

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

(d) *Assistant Secretary* means the Assistant Secretary for Occupational Safety and Health.