

§ 1002.21

**Subpart C—Distinguishing Flag**

**§ 1002.21 Description of distinguishing flag.**

(a) The base or field of the flag shall be white, and a replica of the official seal shall appear on both sides thereof.

(b)(1) The indoor flag shall be of rayon banner, measure 44" on hoist by 56" on the fly, exclusive of heading and hems, and be fringed on three edges with yellow rayon fringe, 2½" wide.

(2) The outdoor flag shall be of heavy weight nylon, and measure either 3' on the hoist by 5' on the fly or 5' on the hoist by 8' on the fly, exclusive of heading and hems.

(c) Each flag shall be manufactured in accordance with U.S. Department of Defense Military Specification Mil-F-2692. The official seal shall be screen printed on both sides, and on each side, the lettering shall read from left to right. Headings shall be Type II in accordance with the Institute of Heraldry Drawing No. 5-1-45E.

**§ 1002.22 Use of distinguishing flag.**

(a) DOE distinguishing flags may be used only:

(1) In the offices of the Secretarial officers, Chairman of the Federal Energy Regulatory Commission, and heads of field locations designated below:

- Power Administrations.
- Regional Offices.
- Operations Offices.
- Certain Field Offices and other locations as designated by the Director of Administration.

(2) At official DOE ceremonies.

(3) In Department auditoriums, official presentation rooms, hearing rooms, lobbies, public document rooms, and in non-DOE facilities in connection with events or displays sponsored by DOE, and public appearances of DOE officials.

(4) On or in front of DOE installation buildings.

(5) Other such purposes as determined by the Director of Administration.

10 CFR Ch. X (1-1-05 Edition)

**Subpart D—Unauthorized Uses**

**§ 1002.31 Unauthorized uses of the seal and flag.**

The official seal and distinguishing flag shall not be used except as authorized by the Director of Administration in connection with:

- (a) Contractor-operated facilities.
- (b) Souvenir or novelty items.
- (c) Toys or commercial gifts or premiums.
- (d) Letterhead design, except on official Departmental stationery.
- (e) Matchbook covers, calendars, and similar items.
- (f) Civilian clothing or equipment.
- (g) Any article which may disparage the seal or flag or reflect unfavorably upon DOE.
- (h) Any manner which implies Departmental endorsement of commercial products or services, or of the user's policies or activities.

**PART 1003—OFFICE OF HEARINGS AND APPEALS PROCEDURAL REGULATIONS**

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AUTHORITY: 15 U.S.C. 761 *et seq.*; 42 U.S.C. 7101 *et seq.*

SOURCE: 60 FR 15006, Mar. 21, 1995, unless otherwise noted.

### Subpart A—General Provisions

#### § 1003.1 Purpose and scope.

This part establishes the procedures to be utilized and identifies the sanctions that are available in most proceedings before the Office of Hearings and Appeals of the Department of Energy. These procedures provide standard rules of practice in a variety of informal adjudications when jurisdiction is vested in the Office of Hearings and Appeals. Any or all of the procedures contained in this part may be incor-

porated by reference in another DOE rule or regulation which invokes the adjudicatory authority of the Office of Hearings and Appeals. The procedures may also be made applicable at the direction of an appropriate DOE official if incorporated by reference in the delegation. These rules do not apply in instances in which DOE regulations themselves contain procedures governing OHA proceedings conducted under authority of those particular regulations. (E.g., 10 CFR part 708—DOE Contractor Employee Protection Program; 10 CFR part 710—Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.) These rules also do not apply to matters before the DOE Board of Contract Appeals or other procurement and financial assistance appeals boards, which are covered by their own rules.

[60 FR 15006, Mar. 21, 1995, as amended at 61 FR 35114, July 5, 1996]

#### § 1003.2 Definitions.

(a) As used in this part:

*Action* means an order issued, or a rulemaking undertaken, by the DOE.

*Aggrieved*, with respect to a person, means adversely affected by an action of the DOE.

*Conference* means an informal meeting between the Office of Hearings and Appeals and any person aggrieved by an action of the DOE.

*Director* means the Director of the Office of Hearings and Appeals or duly authorized delegate.

*DOE* means the Department of Energy, created by the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*).

*Duly authorized representative* means a person who has been designated to appear before the Office of Hearings and Appeals in connection with a proceeding on behalf of a person interested in or aggrieved by an action of the DOE. Such appearance may consist of the submission of a written document, a personal appearance, verbal communication, or any other participation in the proceeding.

*Exception* means the waiver or modification of the requirements of a rule, regulation or other DOE action having the effect of a rule as defined by 5