

Dated: February 10, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 83-3993 Filed 2-10-83; 12:17 pm]

BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

14 CFR Part 253

[Economic Regulation Amdt. No. 2 to Part
253; Docket No. 40772; Reg. ER-1323]

Notice of Terms of Contract of Carriage

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules concerning incorporation of contract terms by airlines in their contracts with passengers. The rule will now apply to all scheduled airlines regardless of the size of aircraft used, and whether or not the flight is part of an interline operation with another airline. This rule was requested by several States and small aircraft operators to provide uniformity for passengers travelling on scheduled flights within the United States, and for carriers in their scheduled operations.

DATES: Effective: February 9, 1983.

Adopted: January 27, 1983.

FOR FURTHER INFORMATION CONTACT:

Richard B. Dyson, Associate General Counsel, or Joseph A. Brooks, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

The CAB has adopted rules (14 CFR Part 253), applicable to large-aircraft operations and flights connecting with them, specifying disclosures to be made to passengers if terms of the contract of carriage are incorporated by reference. The rules require, among other things, that carriers ensure that information on incorporated terms is available wherever their tickets are sold. Those rules when adopted did not apply to flights by aircraft with 60 seats or less unless these flights were part of trips using large aircraft.

In a notice of proposed rulemaking (EDR-444C, 47 FR 52191, November 19, 1982), the Board proposed to extend the applicability of those rules to all scheduled operations by direct air carriers (other than on-demand (nonscheduled) operations by air taxi operators) regardless of size of aircraft used or whether they are interline flights with other airlines using large aircraft. Comments were received from: the California Department of Transportation, the American Society of

Travel Agents, the Association of Retail Travel Agents, Harbor Airlines, Kodiak Western Alaska Airlines, the Regional Airline Association, Southcentral Air, and United Air Lines. All of the comments except those of Harbor Airlines supported the proposed rule. Several commenters made similar suggestions for a modification to the requirement that information be available in some manner wherever tickets are sold. Those suggested changes would limit the locations affected to those directly controlled or authorized by the airline, and in general, exclude interline sales.

The Board has decided to adopt the rule as proposed. Harbor Airlines opposed the extension of applicability of the rule because of the "extreme" financial burden, it claimed, that the notice requirements of the rule would impose on the smallest airlines. The basis of this opposition is the same as that used by other commenters to suggest a modification to those requirements, that is, that information about the incorporated terms should only be required to be available at locations controlled by the carrier or where its ticket stock or plates are available. Other alternative suggestions were to grant antitrust immunity for a standard summary or to place responsibility on the agents to have information available to answer passenger questions.

The Board is of the opinion that the comments suggesting that small carriers only be required to conform to the rule at those ticket-selling locations reflect some misunderstanding of the conditions underlying the rule and the permissive nature of it. Until January 1, 1983, the tariff system was legally presumed to provide complete information on contract terms, including those of small interlining carriers, to purchasers of air transportation everywhere it was sold in the United States. The tariff terms were incorporated by reference into all tickets. On January 1, this system disappeared with respect to domestic travel. Carriers were thus faced with the problem of how to continue to use the familiar short-form airline tickets, while bringing into their contracts with passengers several pages of detailed contract provisions. The problem affects small and large carriers alike.

Two important factors must be borne in mind. The first is that the detailed terms—those that do not appear on the ticket and therefore are sought to be incorporated by reference—are not essential to the formation of a basic contract. The tickets themselves name the parties, and state the service to be

provided (origin and destination points of air travel, with dates, times, and flight numbers) and the price paid for it. These are sufficient for the formation of a contract.

The second point is that in the absence of general rules on the subject, it is likely that courts acting on passenger claims would either deny altogether the validity of any contract terms of which the passengers did not have direct notice, or lay down differing rules for their incorporation by reference. Such rules would probably require a higher degree of notice than had been provided by the tariff system. The question of notice might also be subject to State legislative attention.

It was against that background that the Board issued its rules providing a uniform system for incorporation by reference of a carrier's contract terms. Those rules are designed to provide a sufficient degree of notice to satisfy both the public's need to know and the legal system's demand for reasonableness. At the same time, they provide a flexible method whereby airlines can continue to incorporate complex terms while still using short-form ticket stock, and without levying a great cost burden.

The upshot for small carriers is that there is no necessity for them to comply with the notice requirements of Part 253 at distant points, or at local points for that matter. If they do not, the terms of their contracts with passengers will be simply those stated on the ticket. For many small regional carriers this would appear to be acceptable. On the other hand, if small carriers still wish to incorporate terms by reference in all their contracts with passengers, including those formed at distant points, the Board is not aware of any method or legal principle by which they can do so without providing those passengers with a reasonable means of access to those terms. Part 253, therefore, merely provides and legitimizes the necessary means of notice if they wish to take that option.

For these reasons, the Board does not believe that the rule as adopted amounts to a burden on small carriers. Each carrier will make a choice whether to incorporate detailed contract terms by reference at distant points. For those that wish to, it provides a way.

The exception that the Board made by Order 82-12-84, December 16, 1982, with respect to ticket sales locations located outside of the United States, is not relevant to this issue. Foreign travel is still governed by tariffs, so that in the first instance no incorporation rules are necessary. For domestic transportation, the Board ensured by that Order that

passengers would get notice of terms before beginning their trip, and that passengers in fact were not bound to accept the transportation but could demand refunds.

The other suggestions made by the commenters are also found to be without merit. This rulemaking is not the forum to consider antitrust immunity for publication of contract terms. The suggestion that the rule place responsibility on agents to provide information, for reasons discussed above, misses the point of the rule. Only carriers can decide whether and where they want to incorporate terms by reference, and to the extent that they do, they must furnish those terms to the points of sale.

The Board believes that this extension of applicability of its rule for notice of terms of contract will aid in the continuation of a smooth interline system with similar notice being used by all scheduled carriers and expected by most passengers. The rule will also reduce the possible exposure of those small carriers now filing tariffs to different and potentially conflicting State regulations on this subject.

Most of the airlines that may use the benefits of this rule have not been entirely subject to the tariff system and have already developed alternative methods of notifying passengers of the contract of carriage under existing law. This rule will provide all small scheduled carriers with the same benefits available to larger carriers if they choose to accept them.

Effective Date

This rule will affect the rights and liabilities of passengers and carriers on flights occurring after January 1, 1983, when tariff filing was eliminated. So that both carriers and passengers can use the benefits of this rule if they so desire, and because a few carriers are now without any standard Federal rule, the Board finds good cause to make it effective immediately upon publication in the Federal Register. It will apply to travel commencing on or after that date.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the notice requirements in this rule have been submitted to the Office of Management and Budget (OMB) for approval.

Regulatory Flexibility Act

In accordance with 5 U.S.C. 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96-354, the Board certifies that none of the proposed changes will have a significant economic impact on a substantial number of small entities. The rule affects small carriers in their

noninterline operations. Almost all of these small carriers provide interline service, which is already covered by Board rules. The rule is only permissive, offering carriers a method of incorporating terms by reference if they choose to do so.

List of Subjects in 14 CFR Part 253

Advertising, Air carriers, Air transportation, Claims, Consumer protection, Law, and Travel.

Final Rule

PART 253—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 253, *Notices of Terms of Contract of Carriage*, as follows:

1. The authority for Part 253 is: Authority: Secs. 204, 404, 411, Pub. L. 85-726, as amended, 72 Stat. 743, 760, 769; 49 U.S.C. 1324, 1374, 1381.

2. Section 253.2 is revised to read:

§ 253.2 Applicability.

This rule applies to all scheduled direct air carrier operations in interstate and overseas air transportation. It applies to all contracts with passengers, for those operations, that incorporate terms by reference.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-3469 Filed 2-10-83; 8:45 am]

BILLING CODE 6320-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1221

NASA Seal and Other Devices, and Congressional Space Medal of Honor

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: 14 CFR Part 1221 is amended by revising Subpart 1221.1, "NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags." This revision updates the family of NASA emblematic devices and formally establishes the NASA Space Transportation System Program Badge and related Add-on Bar, and sets forth with increased clarity NASA policy about the commercial use of the NASA Logotype Insignia and the procedure for such use. Specifically, it prohibits the manufacture and commercial sale of the NASA Logotype Insignia as a separate and distinct identification device when NASA would have no control over its design or application.

EFFECTIVE DATE: February 11, 1983.

FOR FURTHER INFORMATION CONTACT: Robert Schulman, Public Services Branch, Public Affairs Division, Code LFC-9, National Aeronautics and Space Administration, Washington, D.C. 20546; 202-755-8790.

SUPPLEMENTARY INFORMATION: The NASA Seal was established by Executive Order 10849 (24 FR 9559) November 27, 1959, as amended by Executive Order 10942 (24 FR 4419) May 22, 1961. This revision supersedes Part 1221 published on March 18, 1976 (41 FR 11276). Since this revision involves only agency organization and management procedures, no public comment period is required. The rule establishes civil penalties for violations.

List of Subjects in 14 CFR Part 1221

Decorations, Medals, Awards, Flags, Seals, Insignia.

PART 1221—THE NASA SEAL AND OTHER DEVICES, AND THE CONGRESSIONAL SPACE MEDAL OF HONOR

14 CFR Part 1221 is amended by revising Subpart 1221.1 to read as follows:

Subpart 1221.1—NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags

- Sec.
- 1221.100 Scope.
 - 1221.101 Policy.
 - 1221.102 Establishment of the NASA Seal.
 - 1221.103 Establishment of the NASA Insignia.
 - 1221.104 Establishment of the NASA Logotype Insignia.
 - 1221.105 Establishment of the NASA Program Badges.
 - 1221.106 Establishment of the NASA Space Transportation System Program Badge and Add-on Bar.
 - 1221.107 Establishment of the NASA Flag.
 - 1221.108 Establishment of the NASA Administrator's, Deputy Administrator's and Associate Deputy Administrator's Flags.
 - 1221.109 Establishment of the NASA Astronaut Badges.
 - 1221.110 Use of the NASA Seal.
 - 1221.111 Use of the NASA Logotype.
 - 1221.112 Use of the NASA Program and Astronaut Badges.
 - 1221.113 Use of the NASA Space Transportation System Program Badge and Add-on Bar.
 - 1221.114 Use of the NASA Flags.
 - 1221.115 Approval of new or change proposals.
 - 1221.116 Violations.
 - 1221.117 Compliance and enforcement.

Authority: 42 U.S.C. 2472(a) and 2473(b)(1).

Subpart 1221.1—NASA Seal, Insignia, Logotype Insignia, Program and Astronaut Badges, and Flags**§ 1221.100 Scope.**

This subpart sets forth the policy governing the use of the NASA Seal, the NASA Insignia, the NASA Logotype Insignia, NASA Program and Astronaut Badges, and the NASA Flags.

§ 1221.101 Policy.

(a) The NASA Seal, the NASA Insignia, the NASA Logotype Insignia, NASA Program and Astronaut Badges, and the NASA Flags, as prescribed in §§ 1221.102 through 1221.109 of this subpart, shall be used exclusively to

represent NASA, its programs, projects, functions, activities, or elements. The use of any devices other than those provided by or subsequently approved in accordance with the provisions of this subpart is prohibited.

(b) The use of the devices prescribed herein shall be governed by the provisions of this subpart. The use of the devices prescribed herein for any purpose other than as authorized by this subpart is prohibited. Their misuse shall be subject to the penalties authorized by statute, as set forth in § 1221.116, and shall be reported as provided in § 1221.117.

(c) Any proposal for a new NASA Insignia, NASA Logotype Insignia,

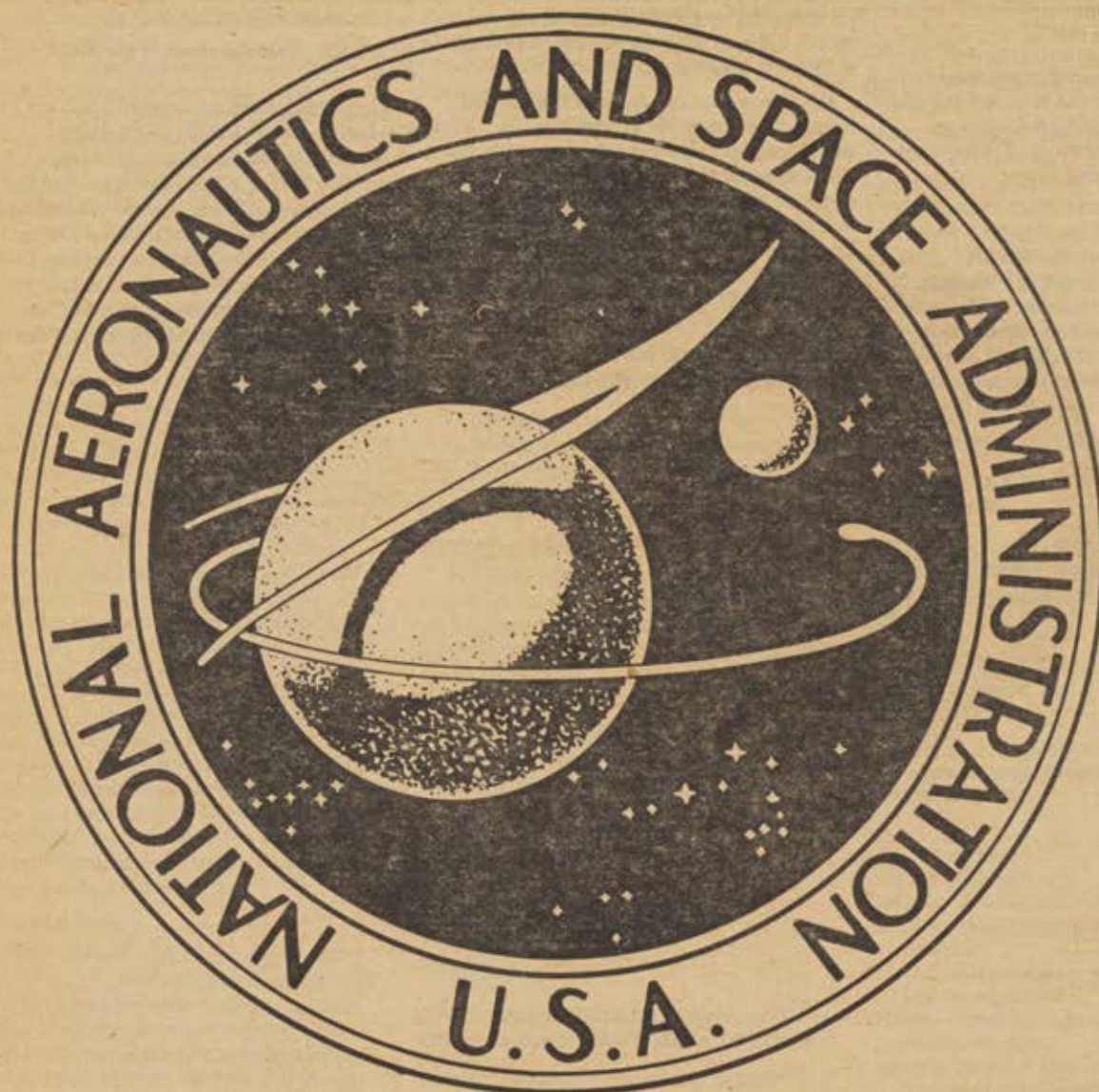
NASA Program Badge and Astronaut Badge, or for modification to those prescribed herein shall be processed in accordance with § 1221.115.

§ 1221.102 Establishment of the NASA Seal.

The NASA Seal was established by Executive Order 10849 (24 FR 9559), November 27, 1959, as amended by Executive Order 10942 (24 FR 4419), May 22, 1961. The NASA Seal, established by the President, is the Seal of the Agency and symbolizes the achievements and goals of NASA and the United States in aeronautical and space activities. The NASA Seal shall be used as set forth in § 1221.110

BILLING CODE 7510-01-M

FIGURE A



The NASA Seal

Technical Description:

The official seal of the National Aeronautics and Space Administration is a disc of blue sky strewn with white stars, to dexter a large yellow sphere bearing a red flight symbol apex in upper sinister and wings enveloping and casting a brown shadow upon the sphere, all partially encircled with a white horizontal orbit, in sinister a small light blue sphere; circumscribing the disc a white band edged gold inscribed "National Aeronautics and Space Administration U.S.A." in red letters.

§ 1221.103 Establishment of the NASA Insignia.

The NASA Insignia was designed by the Army Institute of Heraldry, and approved by the Commission of Fine Arts and the NASA Administrator. It symbolizes NASA's role in aeronautics and space in the early years of the Agency and has been retired. It is used only in an authentic historical context, and only with prior written approval of the NASA Administrator.

FIGURE B



The NASA Insignia

REPRODUCTION

Black-on-white
or single color: As shown

Two-color: Dark blue sky background; solid wing configuration;
white inner elliptical flight path, stars, and letters NASA.

SIZE:

The Insignia may be reproduced or used in various sizes. Size to be determined on basis of (a) desired effect for visual identification or publicity purposes, (b) relative size of the object on which Insignia is to appear, and (c) consideration of any design, layout, reproduction, or other problems involved.

RESTRICTION:

The NASA Insignia will not be used for any purpose without the written approval of the Administrator.

§ 1221.104 Establishment of the NASA Logotype Insignia.

The NASA Logotype Insignia, to be referred to as the NASA Logotype, was established by the NASA Administrator as the signature and design element for all visual communications formerly reserved for the NASA Insignia. The NASA Logotype was developed under the Federal Design Improvement Program initiated by the President in 1972 and approved by the Commission of Fine Arts in October 1975. The NASA Logotype shall be used as set forth in § 1221.111, the NASA Graphics Standards Manual, NASA Handbook 1430.2, and any related NASA directive or specification approved by the NASA Administrator and published subsequent hereto.

FIGURE C

**The NASA Logotype Insignia**

This logotype is the central element in NASA's visual communications system. Through consistent and repetitive use as a signature device and design element in all of NASA's visual communications, the logotype becomes a visual shorthand which identifies the Agency and symbolically embodies its activities, achievement and goals.

In the logotype, the letters N-A-S-A are reduced to their most simplified form. The strokes are all of one width, evoking the qualities of unity and technical precision. Elimination of cross-strokes in the two "A" letters imparts a vertical thrust to the logotype and lends it a quality of uniqueness and contemporary character.

Technical Description:

The NASA Logotype design is solid stroke letterforms, shown freestanding horizontally against a solid neutral background.

The Logotype sizes are based on (a) desired effect (b) relative size of object on which applied and (c) considerations of any design layout and reproduction. See NASA Graphics Standards Manual NHB 1430.2.

It is reproduced only photographically except that, for larger applications, the Logotype is reproduced using the grid shown in the Manual. Otherwise, the Logotype is never reproduced mechanically or by hand.

The preferred color of the NASA Logotype is NASA red (PMS 179), used only when a second color is available and appropriate. Against a white background, the Logotype may be shown in NASA red, black, or NASA warm gray. For background of other values, the Manual is to be consulted and followed.

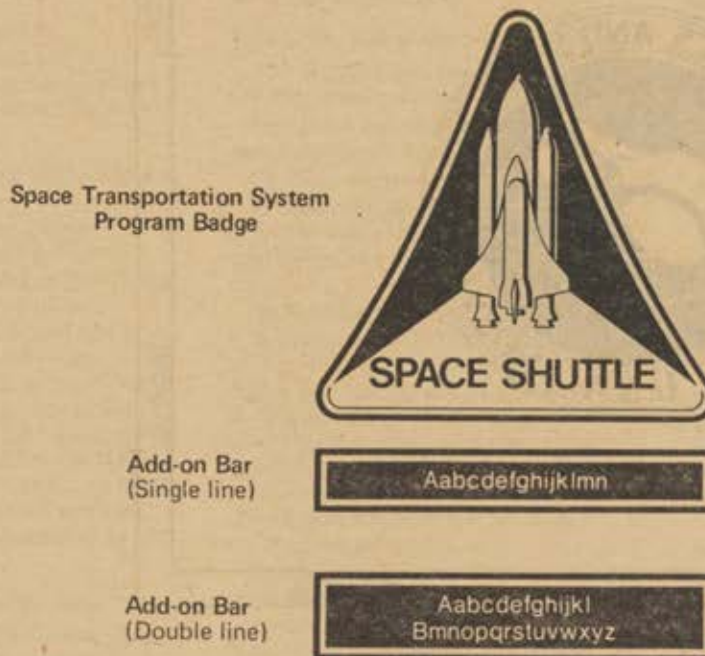
§ 1221.105 Establishment of NASA Program Badges.

A separate and unique badge may be designed and approved in connection with or in commemoration of a major NASA program. Each approved badge shall be officially identified by its title such as "Apollo," "Skylab," "Viking," "Space Transportation System (Space Shuttle)," or a major NASA anniversary. NASA Program Badges shall be used as set forth in § 1221.112 pursuant to approval as set forth in § 1221.115.

§ 1221.106 Establishment of the NASA Space Transportation System Program Badge and Add-on Bar.

The NASA Space Transportation System Program Badge (Space Shuttle) and Add-on Bar were established by the NASA Administrator on February 18, 1977. The Badge is a triangular stylized drawing of the Space Shuttle in launch configuration designed to provide overall program identity. The Add-on Bar(s) is a rectangular patch, with border, enclosing one or two lines of text positioned at the base of the badge. The Add-on Bar is designed to augment the badge and to provide subordinate Space Shuttle mission related identity such as project, payload, organization, text, experiment, system, or subsystem. The NASA Space Transportation System Program Badge and Add-on Bar(s) shall be used as set forth in § 1221.113, and shall conform to NASA standard design specifications.

FIGURE D

**DESCRIPTION:****Space Transportation System Program Badge**

The official identification device for the Space Transportation System Program is a triangular badge, pointed upward, with a stylized drawing of the Space Shuttle in launch configuration; white with gray shadow edge; symmetrically enclosed against two shades of blue background; gold and white edged; inscribed horizontally at the base "SPACE SHUTTLE" in white letters.

Add-On Bar

The official Add-on Bar augments the NASA Space Transportation System Program Badge to provide mission related identity. Add-on Bars are rectangular; gold and white edged with one or two lines of text on a red band. Add-on Bars are positioned horizontally at the base of the badge.

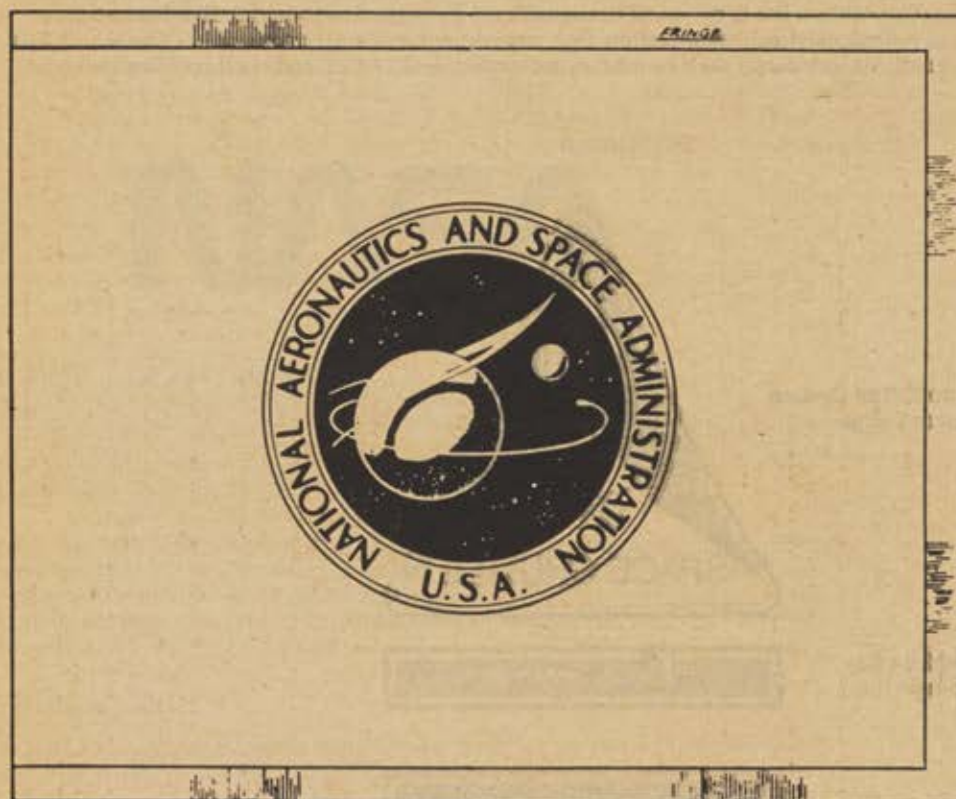
DESIGN SPECIFICATIONS:

Dimension and color specifications for the Badge and Add-on Bar are available from NASA installation graphics coordinators.

§ 1221.107 Establishment of the NASA Flag.

The NASA Flags for interior and exterior use were created by the NASA Administrator in January 1960. Complete design, size and color of the NASA interior and exterior flags for manufacturing purposes are detailed in U.S. Army QMG Drawing 5-1-269; Revision September 14, 1960. The NASA Flags shall be used as set forth in § 1221.114.

FIGURE E



REFERENCE:

The NASA Flag

U. S. Army QMG Drawing 5-1-269; Revision 14 September 1960. Note: Recommend use of Military Specification (MIL-F-2692D dated 14 March 1969, as amended) in conjunction with referenced drawing as a guideline for procurement purposes.

Technical Description of Interior Flag:

The color of the National Aeronautics and Space Administration flag will be of blue bemberg taffeta-weave rayon, four (4) feet, four (4) inches on the hoist by five (5) feet, six (6) inches fly. In the center of the color will be the Official Seal of the National Aeronautics and Space Administration thirty inches in diameter. The devices and stars of the Seal will be embroidered by the Bonnaz Process. The color will be trimmed on three edges with a knotted fringe of rayon two and one half (2 1/2) inches wide. Cord and tassels will be of yellow rayon strands. See drawing reference above for complete details.

Technical Description of Exterior Flag:

NASA flags for external use may be procured in two sizes: 5' x 9'-6" (without fringe) or 10' x 19' (without fringe). Detailed design, colors and size specifications are as set forth in the drawing referenced above.

§ 1221.108 Establishment of the NASA Administrator's, Deputy Administrator's and Associate Deputy Administrator's Flags.

(a) Concurrently with the establishment of the NASA Flag in January 1960, the NASA Administrator also established NASA Flags to represent the NASA Administrator, Deputy Administrator and Associate Deputy Administrator. Each of these flags conforms to the basic design of the NASA Flag except that:

- (1) The size of the flag is 3 feet x 4 feet;
- (2) The Administrator's Flag has four stars;
- (3) The Deputy Administrator's Flag has three stars; and
- (4) The Associate Deputy Administrator's Flag has two stars.

(b) Flags representing these senior officials shall be used as set forth in § 1221.114.

§ 1221.109 Establishment of the NASA Astronaut Badges.

The NASA Astronaut Badge, commonly referred to as the "crew patch," is a separate and unique badge designed in connection with or in commemoration of a manned space flight mission for the particular astronauts involved. Each approved badge shall be identified by its title, such as "Apollo 17 Badge." Collectively, these badges will comprise the NASA Astronaut Badges. The NASA Astronaut Badges shall be used as set forth in § 1221.112 pursuant to approval as set forth in § 1221.115.

§ 1221.110 Use of the NASA Seal.

(a) The Executive Officer shall be responsible for custody of the NASA impression Seal and custody of NASA replica (plaques) seals. The NASA Seal is restricted to the following:

- (1) NASA award certificates and medals.
- (2) NASA awards for career service.
- (3) Security credentials and employee identification cards.
- (4) NASA Administrator's documents; the seal may be used on documents such as interagency or intergovernmental agreements and special reports to the President and Congress, and on other documents, at the discretion of the NASA Administrator.
- (5) Plaques; the design of the NASA Seal may be incorporated in plaques for display in Agency auditoriums, presentation rooms, lobbies, offices of senior officials and on the fronts of buildings occupied by NASA.
- (6) The NASA Flag, and the NASA Administrator's, Deputy Administrator's and Associate Deputy Administrator's

Flags, which incorporate the design of the Seal.

(7) NASA prestige publications which represent the achievements or missions of NASA as a whole.

(8) Publications (or documents) involving participation by another government agency for which the other government agency has authorized the use of its seal.

(b) Use of the NASA Seal for any purpose other than as prescribed herein is prohibited, except that the Executive Officer may authorize, on a case-by-case basis, the use of the NASA Seal for purposes other than those prescribed when the Executive Officer deems such use to be appropriate.

§ 1221.111 Use of the NASA Logotype.

The NASA Logotype is authorized for use on the following:

- (a) *NASA articles.* (1) NASA letterhead stationery.
- (2) Films produced by or for NASA.
- (3) Wearing apparel and personal property items used by NASA employees in performance of their duties.
- (4) Required uniforms of contractor employees when performing public affairs duties, guard or fire protection duties and similar duties within NASA installations or at other assigned NASA duty stations, and on any required contractor-owned vehicles used exclusively in the performance of these duties, when authorized by NASA contracting officers.
- (5) Spacecraft, aircraft, automobiles, trucks, and similar vehicles owned by, leased to, or contractor-furnished to NASA, or produced for NASA by contractors, but excluding NASA-owned vehicles used and operated by contractors for conduct of contractor business.
- (6) Equipment and facilities owned by, leased to, or contractor-furnished to NASA, such as machinery, major tools, ground handling equipment, office and shop furnishings (if appropriate) and similar items of a permanent nature, including those produced for NASA by contractors.
- (7) NASA pamphlets, brochures, manuals, handbooks, house organs, bulletins, general reports, posters, signs, charts and items of similar nature for general use, other than those covered in § 1221.110 (7) and (8).
- (8) Briefcases or dispatch cases issued by NASA.
- (9) Certificates (NASA Form 699A and 699B) covering authority for NASA and contractor security personnel to carry firearms.

(10) NASA occupied buildings when the use of the NASA Logotype is more appropriate than use of the NASA Seal.

(b) *Personal articles—NASA employees.* (1) Business calling cards of NASA employees may carry the imprint of the NASA Logotype.

(2) *Limited usage on automobiles.* If determined appropriate by the cognizant installation official, it is acceptable to place a NASA Logotype sticker on personal automobiles where such identification will facilitate entry or control of such vehicles at NASA installations or parking areas.

(3) Personal items used in connection with NASA employees' recreation association activities.

(4) Items for sale through NASA employees' non-appropriated fund activities subject to paragraph (c) of this section.

(c) *Miscellaneous articles.* (1) The manufacture and commercial sale of the NASA Logotype as a separate and distinct device in the form of an emblem, patch, insignia, badge, decal, vinylcal, cloth, metal or other material which would preclude NASA's control over its use or application is prohibited.

(2) Use of the NASA Uniform Patches, which incorporate the NASA Logotype, is authorized only as prescribed in the NASA Graphics Standards Manual, NASA Handbook 1430.2, for NASA personnel and NASA contractor personnel identification.

(3) No approval for use of the NASA Logotype will be authorized when its use can be construed as an endorsement by NASA of a product or service.

(4) Items bearing the NASA Logotype such as souvenirs, novelties, toys, models, clothing and similar items (including items for sale through the NASA employee's non-appropriated fund activities) may be manufactured and sold only after the NASA Logotype application has been submitted to, and approved by, the Director, Public Affairs Division, or designee, NASA Headquarters, Washington, DC 20546.

(d) Use of the NASA Logotype for any purpose other than as prescribed herein is prohibited, except that the Director, Public Affairs Division, may authorize on a case-by-case basis the use of the NASA Logotype for other purposes when the Director, Public Affairs Division, deems such use to be appropriate.

§ 1221.112 Use of the NASA Program and Astronaut Badges.

(a) Official NASA Program and Astronaut Badges will be restricted to the uses set forth herein and to such

other uses as the Director, Public Affairs Division, may specifically approve.

(b) Specific approval is given for the following uses:

(1) Use of exact reproductions of a badge in the form of a patch made of cloth or other material, a decal or a gummed sticker, on articles of wearing apparel and personal property items; and

(2) Use of exact renderings of a badge on a coin, medal, plaque or other commemorative souvenirs.

(c) The manufacture and sale or free distribution of badges for the uses approved or that may be approved under paragraphs (a) and (b) of this section are authorized.

(d) Portrayal of an exact reproduction of a badge in conjunction with the advertising of any product or service will be approved on a case-by-case basis by the Director, Public Affairs Division.

(e) The manufacture, sale or use of any colorable imitation of the design of an official NASA Program or Astronaut Badge will not be approved.

§ 1221.113 Use of the NASA Space Transportation System Program Badge and Add-on Bar.

(a) The NASA Space Transportation System Program Badge (Space Shuttle) shall be used in the manner prescribed for NASA Program and Astronaut Badges, § 1221.112. It shall be used exclusively to identify the overall program and represent, identify and commemorate each Space Shuttle operational mission.

(b) The approved Add-on Bar(s) shall be used exclusively to provide subordinate mission related identity for NASA projects and payloads including NASA joint projects. Use of Add-on Bars for non-NASA projects and payloads, including domestic and/or international joint projects is encouraged.

(c) Add-on Bar proposals for both NASA and non-NASA projects and payloads shall be submitted to the Associate Administrator for Space Flight for review and approval and for compliance with NASA design specifications.

(d) Use of any device other than as prescribed herein is prohibited on NASA uniforms, publications, brochures, posters, charts, signs and items of a similar nature, to identify the Space Transportation System Program and related missions.

(e) Use of unique payload Program Badges for non-NASA missions are permitted only when the payload has been bought solely by another country other than the United States and when

that country has total responsibility for that payload. (For example, in the case where Germany has bought a dedicated Spacelab mission and has total responsibility for the payload.) Unique payload Program Badge proposals shall be submitted to the Director, International Affairs Division, Director, Public Affairs Division, and the Associate Administrator for Space Flight, NASA Headquarters, for information and comment.

§ 1221.114 Use of the NASA Flags.

(a) The NASA Flag is authorized for use only as follows:

(1) On or in front of NASA installation buildings.

(2) At NASA ceremonies.

(3) At conferences (including display in NASA conference rooms).

(4) At governmental or public appearances of NASA executives.

(5) In private offices of senior officials.

(6) As otherwise authorized by the NASA Administrator or designee.

(7) The NASA Flag must be displayed with the United States Flag. When the United States Flag and the NASA Flag are displayed on a speaker's platform in an auditorium, the United States Flag must occupy the position of honor and be placed at the speaker's right as the speaker faces the audience, with the NASA Flag at the speaker's left.

(b) The NASA Administrator's, Deputy Administrator's and Associate Deputy Administrator's Flags shall be displayed with the United States Flag in the respective offices of these officials but may be temporarily removed for use at the discretion of the officials concerned.

§ 1221.115 Approval of new or change proposals.

(a) Any proposal to change or modify the emblematic devices set forth herein or to introduce a new emblematic device other than as prescribed herein requires the written approval of the NASA Administrator with prior approval and recommendation of the Director, Public Affairs Division.

(b) In addition to the written approval of the NASA Administrator, any proposal for a new or for a modification to the design of the NASA Insignia or NASA Logotype must also be submitted to the Commission of Fine Arts for its advice as to the merit of design. If approved in writing by the NASA Administrator and advice received from the Commission of Fine Arts, the NASA Insignia and the use of such NASA Insignia or NASA Logotype must be prescribed in this Subpart and published in the Federal Register.

§ 1221.116 Violations.

(a) *NASA Seal.* Any person who uses the NASA Seal in a manner other than as authorized in this subpart shall be subject to the provisions of Title 18 U.S.C. 1017.

(b) *NASA Insignia, NASA Logotype and NASA Program and Astronaut Badges.* Any person who uses the NASA Insignia, NASA Logotype, NASA Program Badges or NASA Astronaut Badges in a manner other than as authorized in this Subpart shall be subject to the provisions of Title 18 U.S.C. 701.

§ 1221.117 Compliance and enforcement.

In order to ensure adherence to the authorized uses of the NASA Seal, the NASA Insignia, the NASA Logotype, NASA Program and Astronaut Badges and the NASA Flags as provided herein, a report of each suspected violation of this Subpart (including the use of unauthorized NASA Insignias) or of questionable usages of the NASA Seal, the NASA Insignia, the NASA Logotype, NASA Program and Astronaut Badges or the NASA Flags shall be submitted to the Inspector General, NASA Headquarters, in accordance with NASA Management Instruction 9850.1, "The NASA Investigations Program."

James M. Beggs,
Administrator.

[FR Doc. 83-3252 Filed 2-10-83; 8:45 am]

BILLING CODE 7510-01-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Walk-Behind Power Lawn Mowers; Change to Drawing of Foot Probe

AGENCY: Consumer Product Safety Commission.

ACTION: Clarification of drawing.

SUMMARY: The Commission amends the drawing of the foot probe device in its consumer product safety standard for walk-behind power lawn mower to eliminate an ambiguity in the drawing and to give dimensions that are more useful in fabricating the device than were the original dimensions.

EFFECTIVE DATE: The changes to the drawing are effective March 14, 1983.

FOR FURTHER INFORMATION CONTACT: Paul Galvydis, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492-6400.