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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 134]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.434 **Lemon Regulation 134.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 27 F.R. 8346), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 20, 1964.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., October 25, 1964, and ending at 12:01 a.m., P.s.t., November 1, 1964, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 106,950 cartons;

(iii) District 3: 106,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 22, 1964.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 64–10896; Filed, Oct. 23, 1964; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1964-Crop Oats Supp., Correction]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Oats Loan and Purchase Program

The regulations issued by the Commodity Credit Corporation (29 F.R. 5737) with respect to oats produced in 1964 which contain specific requirements for the 1964-crop of oats are hereby corrected as follows:

1. Section 1421.2629(a) is corrected to decrease the basic support rate for Waseca County, Minnesota. The change is as follows:

MINNESOTA

County	Rate per bushel	
	From—	To—
Waseca	$0.63	$0.62

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 21, 1964.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 64–10875; Filed, Oct. 23, 1964; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants

§ 1.158 **Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants.**

(a) *Request.* The Comptroller of the Currency has been requested to rule that the $1,500,000 Mobile County, Alabama, Board of School Commissioners Capital Outlay School Warrants dated February 1, 1961, and similar warrants issued by Boards of School Commissioners pursuant to the same statutory authority are eligible for dealing in, underwriting, and unlimited holding by National Banks pursuant to the provisions of Paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* The warrants were issued by the Board of School Commissioners of Mobile County, a public instrumentality, pursuant to the Alabama School Warrant Act. They mature at various maturity dates from February 1962 until 1979, being callable after February 1966 in inverse numerical order on any interest payment date, and they are payable solely from the proceeds of a special annual county-wide ad valorem tax on the assessed valuation of all taxable property in Mobile County. Said tax has been duly authorized at elections in said county to be levied annually until after the final maturity of the warrants and has been irrevocably pledged for payment of the principal and interest on the warrants. On the basis of present assessed valuation, the tax will produce sufficient revenues to cover debt service on all outstanding warrants.

(c) *Ruling.* It is the conclusion of this Office that the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants and similar warrants issued by Boards of School Commissioners pursuant to the same statutory authority and which are supported by the same payment and security provisions do not qualify as "public securities" as set forth in § 1.3(c) and are therefore not eligible for purchase, dealing in, underwriting, and

unlimited holding by National Banks. However, it is the further conclusion of this Office that a bank may in these circumstances prudently determine that there is adequate evidence that the Mobile County Board of School Commissioners will be able to perform all that it undertakes to perform in connection with the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants. If, therefore, the bank further determines that there is sufficient demand for these warrants as would enable it to liquidate its holdings with reasonable promptness at a price that corresponds reasonably to their fair value, then the $1,500,000 Mobile County Board of School Commissioners Capital Outlay School Warrants meet the requirements of § 1.5(a) and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24. Similar warrants issued by Boards of School Commissioners in Alabama pursuant to the same statutory authority which are supported by comparable payment and security provisions and which are marketable, as set forth above, also meet the requirements of § 1.5(a) and are eligible for investment by National Banks under the provisions and subject to the 10 percent limitation of Paragraph Seventh of 12 U.S.C. 24.

Dated: October 20, 1964.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 64-10855, Filed, Oct. 23, 1964; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Special Civil Air Regulations 422B, 425C]

[Regulatory Docket Nos. 3096, 5085; Amdts. 31-1 and 91-9]

CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

This amendment adds Part 21 [New] to the Federal Aviation Regulations to replace the procedural rules governing the certification of products and parts as presently set forth in Parts 1, 3, 4b, 5, 6, 7, 8, 9, 9a, 10, 13, 14, and 410 and in Special Civil Air Regulations 422B and 425C. This amendment is part of the recodification program announced in Draft Release 61-25 published in the FEDERAL REGISTER on November 15, 1961 (26 F.R. 10698).

Part 21 [New] was published as a notice of proposed rule making in the FEDERAL REGISTER on May 27, 1964 (29 F.R. 6999), and given further distribution as Notice No. 64-31.

Many of the comments received recommended specific substantive changes to the regulations. Although many of the recommendations appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and delete obsolete or redundant provisions. To attempt substantive changes, other than relaxatory ones that are completely noncontroversial, would delay the project and be contrary to the ground rules specified for it in Draft Release 61-25. However, all substantive comments received will be retained and will be given careful consideration in future regulatory projects.

As was stated in the preamble of the notice of proposed rule making of Part 21 [New], those definitions in present Part 1 (and not now in Part 1 [New] or executed in this part) that are necessary, will be recodified with the definitions of other airworthiness parts and added to Part 1 [New].

One of the comments received questioned the omission as surplusage of the .12 and .18 sections of CAR Parts 3, 4b, 5, 6, 7, 13, and 14 in the notice of proposed rule making. The .12 sections contained a direction to the Administrator to record in the type certificate the applicable regulations with which an applicant has shown compliance. This direction to the Administrator was a vestige of rules promulgated by the Civil Aeronautics Board and directed to the Administrator of the Civil Aeronautics Administration. Because of the consolidation of rule making authority in the Federal Aviation Agency, they are no longer necessary in the Federal Aviation Regulations. Section 21.41 indicates clearly that the type certificate is considered to include "the applicable regulations of this subchapter with which the Administrator records compliance".

The .18 sections generally related to the approval of materials, parts, processes, and appliances "upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter". Paragraph (a) of this section also is no longer necessary for the reason set forth in the preceding paragraph. Paragraph (b) is covered by § 37.1 of Part 37—Technical Standard Order Authorizations [New]. However, the note to the .18 section is being retained as § 21.305 so that it is clear that there are three possible ways in which a material, part, process, or appliance may satisfy "approval" requirements.

A new § 21.307 has been added to reflect CAR §§ 10.21 and 10.31. Those sections provided for the approval of materials, parts, and appliances manufactured in a foreign country upon certification by that country that the material, part, or appliance conforms to the applicable specifications adopted by the Administrator.

The distribution table for the notice indicated that CAR § 1.74(b) would be transferred to Part 91 [New]. This paragraph was another direction to the Administrator of the Civil Aeronautics Administration by the Civil Aeronautics Board and is no longer necessary for the reasons stated previously. The prohibition against carrying passengers for compensation or hire in experimentally certificated aircraft is an operating limitation issued by the Agency and the omission of this provision does not result in any substantive change since, under § 91.31, no person may operate an aircraft contrary to its operating limitations.

The provisions of CAM § 1.77-4 have been transferred to Part 91 [New] rather than to the air carrier operating rules, as indicated in the notice, since operations under these provisions are not in air transportation.

The definition of "product" in § 21.1(e) has been broadened to include "propellers" as did the definition of that term in CAR Part 1. In addition, the term "appliances" has been deleted from this definition since the CAR Part 1 definition included only "appliances * * * eligible for a type certificate". No appliances are presently eligible for a type certificate.

The provisions relating to "production under a type certificate only" that were contained in §§ 21.53(a) and 21.55 through 21.65 of the notice have been transferred from Subpart B to a separate Subpart F. These sections do not relate to the issue of a type certificate and it is more appropriate that they be in a separate subpart immediately preceding the subpart on "production certificates".

Proposed § 21.63 (§ 21.128) has been rewritten to reflect the accepted interpretation of present CAM § 1.15-4(e) throughout the Agency and the industry. This change conforms to the existing practice of defining the production acceptance test in terms of the maximum continuous rating and the takeoff rating.

Section 21.181 has been rewritten to make it clear that an airworthiness certificate for a particular aircraft is effective only as long as the aircraft is registered in the United States. This change is not substantive, but merely clarifying in nature, since it is a statement of existing law under the Federal Aviation Act.

Section 21.189 has been rewritten to include the statement presently contained in CAR §§ 1.71 and 9.3 indicating that after June 30, 1965, no limited category airworthiness certificates will be issued unless the aircraft was previously issued an airworthiness certificate in that category. In addition, the prohibition against operating a limited category aircraft carrying persons for compensation or hire has been transferred from § 21.189 to § 91.40 since it is more appropriate in Part 91.

Section 21.197(a)(1) has been rewritten to include the performance of "maintenance" as one of the purposes for which a special flight permit may be issued. Since special flight permits have traditionally been issued for the purpose of performing maintenance and since any change that is being made is relaxatory this may be done as part of the recodification project.

Sections 21.15 and 21.47 have been changed to reflect the amendment proposed in Notice 64-7 issued February 5, 1964 (29 F.R. 2349). As amended, § 21.15 states that an application for a type certificate should be submitted to the appropriate FAA regional office. Section 21.47 incorporates the proposed amendment to CAR § 1.14 requiring the grantor of a type certificate to notify the appropriate FAA regional office within 30

days after the transaction, specifying the date of transfer, and requiring a similar notice after the termination of a licensing agreement. The Agency did not receive any adverse comments to Notice No. 64–7 and therefore these amendments are incorporated in Part 21 [New].

Section 21.77 has been amended to change the duration of a Class II provisional type certificate from "six months after the date of issue, or 60 days after the corresponding type certificate is issued whichever is first" to "twelve months after the date of issue". Section 21.77 is based on section 4 of Special Civil Air Regulation 425C. The Agency has found that in many cases the 60-day period after the issue of the type certificate is inadequate for an aircraft manufacturer to effect modifications of the provisionally certificated aircraft for conformance with the type design. By extending the duration period to twelve months the Agency believes that adequate time will be provided for any modifications necessary to conform to the type design. Since this amendment is noncontroversial and imposes no additional burden on any person it may be made without compliance with the notice and public procedure provisions of the Administrative Procedure Act.

As the preamble to Part 31 [New] stated (29 F.R. 8256), Subpart G—Certification Procedures of that part is deleted since the provisions of Part 21 [New] are applicable to manned free balloons.

Other minor changes of a technical nature have been made. They are not substantive and do not impose any burden on regulated persons.

This amendment deletes CAR Parts 1, 5, 8, 9, 9a, 10, 13, 14, and 410 and certain sections of SR 425C. The procedural requirements of Parts 3, 4b, 6, and 7 will be deleted by the separate amendments recodifying the airworthiness requirements of those parts. Those amendments will be made effective on the same date as this amendment.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. The Agency wishes to thank those persons who submitted comments for the cooperative spirit in which those comments were submitted.

In consideration of the foregoing Chapters I and III of Title 14 of the Code of Federal Regulations are amended as hereinafter set forth effective February 1, 1965.

1. Part 91 [New] is amended as follows:

a. By amending § 91.27 to read as follows:

§ 91.27 Civil aircraft certificates required.

(a) Except as provided in § 91.45, no person may operate a civil aircraft unless it has within it—

(1) An appropriate and current airworthiness certificate or special flight permit; and

(2) A registration certificate issued to its owner.

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

b. By adding a new § 91.40 reading as follows:

§ 91.40 Limited category civil aircraft; operating limitations.

No person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

(c) By adding a new § 91.45 reading as follows:

§ 91.45 Authorization for air carrier ferry flight of a four-engine airplane with one engine inoperative.

(a) *General.* An air carrier may conduct a ferry flight of a four-engine airplane with one engine inoperative, to a base for the purpose of repairing that engine if the following requirements are met:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) of this section.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

(i) Maximum weight.

(ii) Center of gravity limits.

(iii) Configuration of the inoperative propeller.

(iv) Runway length for takeoff.

(v) Altitude range.

(3) The air carrier's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

(i) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(ii) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier may carry any person, other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in the air carrier's manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests.* The airplane performance with one-engine inoperative must be determined by flight test as follows:

(1) A speed not less than 1.3 V_{S_1} must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the air carrier) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined—

(i) With the landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the air carrier; and

(iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25. ____ (4b.120(c)) at an altitude of 5,000 feet.

2. Part 31 [New] is amended by deleting Subpart G thereof.

3. Parts 1, 5, 8, 9, 9a, 10, 13, 14, and 410, and sections 1 through 12 of Special Civil Air Regulation 425C are deleted.

4. A Part 21 [New] reading as follows is added.

(Secs. 311, 313(a), 314, 601, 603, 607, 608, 609, 1102, Federal Aviation Act of 1958; 49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1427, 1428, 1429, and 1502)

Issued in Washington, D.C., on October 14, 1964.

N. E. Halaby,
Administrator.

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS [NEW]

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Subpart K—Approval of Materials, Parts, Processes, and Appliances

21.301 Applicability.
21.303 Replacement or modification parts.
21.305 Approval of materials, parts, processes, and appliances.
21.307 Approval of materials, parts, and appliances: import.

AUTHORITY: The provisions of this Part 21 issued under secs. 311, 313(a), 314, 601, 603, 607, 608, 609, 1102 Federal Aviation Act of 1958; 49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1427, 1428, 1429, 1502.

Subpart A—General

§ 21.1 Applicability.

(a) This part prescribes—

(1) Procedural requirements for the issue of type certificates and changes to those certificates; the issue of production certificates; and the issue of airworthiness certificates;

(2) Rules governing the holders of any certificate specified in subparagraph (1) of this paragraph;

(3) Procedural requirements for the approval of certain materials, parts, processes, and appliances; and

(4) Delegation option procedures for the certification of small airplanes, small gliders, engines, and propellers.

(b) For the purposes of this part, the word "product" means an aircraft, aircraft engine, or propeller.

Subpart B—Type Certificates

§ 21.11 Applicability.

This subpart prescribes—

(a) Procedural requirements for the issue of type certificates for aircraft, aircraft engines, and propellers; and

(b) Rules governing the holders of those certificates.

§ 21.13 Eligibility.

Any person may apply for a type certificate.

§ 21.15 Application for type certificate.

(a) An application for a type certificate is made on a form and in a manner prescribed by the Administrator and is submitted to the appropriate FAA regional office.

(b) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.

§ 21.17 Designation of applicable regulations.

(a) An applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller concerned meets the applicable requirements of this subchapter that are effective on the date of application for that certificate, unless—

(1) Otherwise specified by the Administrator; or

(2) Compliance with later effective amendments is elected or required under this section.

(b) If the interval between the date of application for a type certificate for a product and the issue of that type certificate exceeds the applicable number of years set forth below, a new application for a type certificate must be filed. An applicant may elect to file a new application before the expiration of the specified period. In either case, paragraph (a) of this section applies to the new application as if it were an original application. The applicable time limits are as follows:

(1) Application for type certification of a transport category aircraft—five years.

(2) Application for any other type certificate—three years.

(c) If an applicant elects to comply with an amendment to this subchapter that is effective after the filing of the application for a type certificate, he must also comply with any other amendment that the Administrator finds is directly related.

§ 21.19 Changes requiring a new type certificate.

Any person who proposes to change a product must make a new application for a type certificate if—

(a) The Administrator finds that the proposed change in design, configuration, power, power limitations (engines), speed limitations (engines), or weight is so extensive that a substantially complete investigation of compliance with the applicable regulations is required;

(b) In the case of a normal, utility, acrobatic, or transport category aircraft, the proposed change is—

(1) In the number of engines or rotors; or

(2) To engines or rotors using different principles of propulsion or to rotors using different principles of operation;

(c) In the case of an aircraft engine, the proposed change is in the principle of operation; or

(d) In the case of propellers, the proposed change is in the number of blades or principle of pitch change operation.

§ 21.21 Issue of type certificate: normal, utility, acrobatic, and transport category aircraft; aircraft engines; propellers.

An applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, or transport category, or for a manned free balloon or an aircraft engine or propeller, if—

(a) The product qualifies under § 21.27; or

(b) The applicant submits the type design, test reports and computations necessary to show that the product to be certificated meets with the applicable airworthiness requirements of the Federal Aviation Regulations and the Administrator finds—

(1) Upon examination of the type design and after completing all tests and inspections, that the type design and the product meet the applicable airworthiness requirements of the Federal Aviation Regulations or that any provisions not complied with are compensated for by factors that provide an equivalent level of safety; and

(2) For an aircraft, that no feature or characteristic makes it unsafe for the category in which certification is requested, or for aircraft engines and propellers that no feature or characteristic makes it unsafe for use on aircraft.

§ 21.23 Issue of type certificate: gliders.

An applicant is entitled to a type certificate for a glider if he submits the type design, test reports, and computations necessary to show that the glider meets with the applicable airworthiness requirements and the Administrator finds—

(a) That the glider complies with those airworthiness requirements of Part 23 [New] or Part 27 [New] of this chapter found by him to be appropriate for gliders and applicable to the specific type design; and

(b) That there is no unsafe feature or characteristic of the glider.

§ 21.25 Issue of type certificate: restricted category aircraft.

(a) An applicant is entitled to a type certificate for an aircraft in the restricted category for special purpose operations if he shows that no feature or characteristic of the aircraft makes it unsafe when it is operated under the limitations prescribed for its intended use, and that the aircraft—

(1) Meets the airworthiness requirements of an aircraft category except those requirements that the Administrator finds inappropriate for the special purpose for which the aircraft is to be used; or

(2) Is of a type that has been manufactured in accordance with the requirements of and accepted for use by, an Armed Force of the United States and has been later modified for a special purpose.

(b) For the purposes of this section, "special purpose operations" includes—

(1) Agricultural (spraying, dusting, and seeding, and livestock and predatory animal control);

(2) Forest and wildlife conservation;

(3) Aerial surveying (photography, mapping, and oil and mineral exploration);

(4) Patrolling (pipelines, power lines, and canals);

(5) Weather control (cloud seeding);

(6) Aerial advertising (skywriting, banner towing, airborne signs and public address systems); and

(7) Any other operation specified by the Administrator.

§ 21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section, an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of airworthiness as would be provided if the engines or propellers were type certificated under Parts 33 [New] or 35 [New] of the Federal Aviation Regulations.

(d) The Administrator may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the Administrator finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The Administrator may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

(e) The Administrator may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the Administrator finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:

Type of aircraft	Date accepted for operational use by the Armed Force of the United States	Regulations that apply [1]
Small reciprocating-engine powered airplanes.	Before May 16, 1956	CAR Part 3, as effective May 15, 1956.
	After May 15, 1956	CAR Part 3 or FAR Part 23.
Small turbine engine-powered airplanes.	Before Oct. 2, 1959	CAR Part 3, as effective Oct. 1, 1959.
	After Oct. 1, 1959	CAR Part 3 or FAR Part 23.
Large reciprocating-engine powered airplanes.	Before Aug. 26, 1955	CAR Part 4b, as effective Aug. 25, 1955.
	After Aug. 25, 1955	CAR Part 4b or FAR Part 25.
Large turbine engine-powered airplanes.	Before Oct. 2, 1959	CAR Part 4b, as effective Oct. 1, 1959.
	After Oct. 1, 1959	CAR Part 4b or FAR Part 25.
Rotorcraft with maximum certificated takeoff weight of:		
6,000 pounds or less	Before Oct. 2, 1959	CAR Part 6, as effective Oct. 1, 1959.
	After Oct. 1, 1959	CAR Part 6 or FAR Part 27.
Over 6,000 pounds	Before Oct. 2, 1959	CAR Part 7, as effective Oct. 1, 1959.
	After Oct. 1, 1959	CAR Part 7 or FAR Part 29.

[1] Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Force.

§ 21.29 Issue of type certificate: import products.

(a) An applicant is entitled to a type certificate for a product manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import—

(1) If the country in which the product was manufactured certifies that the product has been examined, tested, and found to meet the applicable airworthiness requirements of—

(i) This subchapter; or

(ii) The country in which the product was manufactured and any other requirements the Administrator may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter; and

(iii) The applicant has submitted the technical data respecting the product required by the Administrator.

(b) A product type certificated under this section is considered to be type certificated under the airworthiness standards of that part of the Federal Aviation Regulations with which compliance is certified under paragraph (a)(1)(i) of this section or to which an equivalent level of safety is certified under paragraph (a)(1)(ii) of this section.

§ 21.31 Type design.

The type design consists of—

(a) The drawings and specifications necessary to show the configuration of the product concerned and the design features covered in the requirements of that part of this subchapter applicable to the product;

(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product; and

(c) Any other data necessary to allow, by comparison, the determination of the airworthiness of later products of the same type.

§ 21.33 Inspection and tests.

(a) Each applicant must allow the Administrator to make any inspections and, in the case of aircraft, any flight tests necessary to determine compliance with the applicable requirements of the Federal Aviation Regulations.

(b) Each applicant must make all inspections and tests necessary to determine—

(1) Compliance with the applicable airworthiness requirements;

(2) That materials and products conform to the specifications in the type design;

(3) That parts of the products conform to the drawings in the type design; and

(4) That the manufacturing processes, construction and assembly conform to those specified in the type design.

§ 21.35 Flight tests.

(a) Each applicant for an aircraft type certificate (other than under §§ 21.25 through 21.29) must make the tests listed in paragraph (b) of this section. Before making the tests the applicant must show—

(1) Compliance with the applicable structural requirements of this subchapter;

(2) Completion of necessary ground inspections and tests;

(3) That the aircraft conforms with the type design; and

(4) That the Administrator received a flight test report from the applicant (signed, in the case of aircraft to be certificated under Part 25 [New] of this chapter, by the applicant's test pilot) containing the results of his tests.

(b) Upon showing compliance with paragraph (a) of this section, the applicant must make all flight tests that the Administrator finds necessary—

(1) To determine compliance with the applicable requirements of this subchapter; and

(2) For aircraft to be certificated under this subchapter, except gliders and except airplanes of 6,000 lbs. or less maximum certificated weight that are to be certificated under Part 23 [New] of this chapter, to determine whether there is reasonable assurance that the airplane, its components, and its equipment are reliable and function properly.

(c) Each applicant must, if practicable, make the tests prescribed in paragraph (b)(2) of this section upon the aircraft that was used to show compliance with—

(1) Paragraph (b)(1) of this section; and

(2) For rotorcraft, the rotor drive endurance tests prescribed in § 27.923 or § 29.923 of this chapter, as applicable.

(d) Each applicant must show for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.

(e) Except in gliders and manned free balloons, an applicant must discontinue flight tests under this section until he shows that corrective action has been taken, whenever—

(1) The applicant's test pilot is unable or unwilling to make any of the required flight tests; or

(2) Items of noncompliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.

§ 21.37 Flight test pilot.

Each applicant for a normal, utility, acrobatic, or transport category aircraft type certificate must provide a person holding an appropriate pilot certificate to make the flight tests required by this part.

§ 21.39 Flight test instrument calibration and correction report.

(a) Each applicant for a normal, utility, acrobatic, or transport category aircraft type certificate must submit a report to the Administrator showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions.

(b) Each applicant must allow the Administrator to conduct any flight tests that he finds necessary to check the accuracy of the report submitted under paragraph (a) of this section.

§ 21.41 Type certificate.

Each type certificate is considered to include the type design, the operating limitations, the certificate data sheet, the applicable regulations of this subchapter with which the Administrator records compliance, and any other conditions or limitations prescribed for the product in this subchapter.

§ 21.43 Location of manufacturing facilities.

Except as provided in § 21.29, the Administrator does not issue a type certificate if the manufacturing facilities for the product are located outside of the United States, unless the Administrator finds that the location of the manufacturer's facilities places no undue burden on the FAA in administering applicable airworthiness requirements.

§ 21.45 Privileges.

The holder or licensee of a type certificate for a product may—

(a) In the case of aircraft, upon compliance with §§ 21.173 through 21.189, obtain airworthiness certificates;

(b) In the case of aircraft engines or propellers, obtain approval for installation on certificated aircraft; and

(c) In the case of any product, upon compliance with §§ 21.133 through 21.163, obtain a production certificate for the type certificated product.

(d) Obtain approval of replacement parts for that product.

§ 21.47 Transferability.

A type certificate may be transferred to or made available to third persons by licensing agreements. Each grantor shall, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify in writing the appropriate FAA Regional Office. The notification must state the name and address of the transferee or licensee, date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee.

§ 21.49 Availability.

The holder of a type certificate shall make the certificate available for examination upon the request of the Administrator or the Civil Aeronautics Board.

§ 21.51 Duration.

A type certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator.

§ 21.53 Statement of conformity.

Each applicant must submit a statement of conformity to the Administrator for each prototype presented for type certification.

Subpart C—Provisional Type Certificates

§ 21.71 Applicability.

This subpart prescribes—

(a) Procedural requirements for the issue of provisional type certificates, amendments to provisional type certificates, and provisional amendments to type certificates; and

(b) Rules governing the holders of those certificates.

§ 21.73 Eligibility.

(a) Any manufacturer of aircraft manufactured within the United States who is a United States citizen may apply for Class I or Class II provisional type certificates, for amendments to provisional type certificates held by him, and for provisional amendments to type certificates held by him.

(b) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by him within the United States may apply for a Class I provisional type certificate for the aircraft, and for amendments to Class I provisional type certificates held by him, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

§ 21.75 Application.

Applications for provisional type certificates, for amendments thereto, and for provisional amendments to type certificates must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the applicant is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division), and must be accompanied by the perti-

nent information specified in this subpart.

§ 21.77 Duration.

(a) Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional type certificates and amendments thereto are effective for the periods specified in this section.

(b) A Class I provisional type certificate is effective for 24 months after the date of issue, or until—

(1) The corresponding type certificate or supplemental type certificate is issued, whichever is first; or

(2) A Class II provisional type certificate is issued for aircraft of the same type design.

(c) A Class II provisional type certificate is effective for twelve months after the date of issue.

(d) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(e) A provisional amendment to a type certificate is effective for six months after its approval or until the amendment of the type certificate is approved, whichever is first.

§ 21.79 Transferability.

Provisional type certificates are not transferable.

§ 21.81 Requirements for issue and amendment of Class I provisional type certificates.

(a) An applicant is entitled to the issue or amendment of a Class I provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations established in paragraph (e) of this section and in § 91.41 [New] of this chapter.

(b) The applicant must apply for the issue of a type or supplemental type certificate for the aircraft.

(c) The applicant must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type or supplemental type certificate applied for;

(2) The aircraft substantially meets the applicable flight characteristic requirements for the type or supplemental type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in paragraph (a) of this section.

(d) The applicant must submit a report showing that the aircraft had been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in this subchapter.

(e) The applicant must establish all limitations required for the issue of the type or supplemental type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(f) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(g) The applicant must show that a prototype aircraft has been flown for at least 50 hours under an experimental certificate issued under §§ 21.191 through 21.195, or under the auspices of an Armed Force of the United States. However, in the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

§ 21.83 Requirements for issue and amendment of Class II provisional type certificates.

(a) An applicant is entitled to the issue or amendment of a Class II provisional type certificate if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated in accordance with the limitations in paragraph (g) of this section, § 91.41 [New] of this chapter, and § _____ (present SR 425C § 14).

(b) The applicant must apply for a type certificate, in the transport category, for the aircraft.

(c) The applicant must hold a type certificate and a current production certificate for at least one other aircraft in the same transport category as the subject aircraft.

(d) The FAA's official flight test program with respect to the issue of a type certificate for the aircraft must be in progress.

(e) The applicant must certify that—

(1) The aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and

(3) The aircraft can be operated safely under the appropriate operating limitations in this subchapter.

(f) The applicant must submit a report showing that the aircraft has been flown in all maneuvers necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in this subchapter.

(g) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight maneuvers, loading, and operation of controls and equipment unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(h) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(i) The applicant must show that a prototype aircraft has been flown for at least 100 hours under an experimental certificate issued under §§ 21.191 through 21.195, or under a Class I provisional airworthiness certificate. However, in the case of an amendment to a provisional type certificate, the Administrator may reduce the number of required flight hours.

§ 21.85 Provisional amendments to type certificates.

(a) An applicant is entitled to a provisional amendment to a type certificate, if he shows compliance with this section and the Administrator finds that there is no feature, characteristic, or condition that would make the aircraft unsafe when operated under the appropriate limitations contained in this subchapter.

(b) The applicant must apply for an amendment to the type certificate.

(c) The FAA's flight test program with respect to the amendment of the type certificate must be in progress.

(d) The applicant must certify that—

(1) The modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft;

(2) The aircraft substantially complies with the applicable flight characteristic requirements for the type certificate; and

(3) The aircraft can be operated safely under the appropriate operating limitations specified in § 91.41 [New] and §§ _____ and _____ (present SR 425C §§ 14 and 15) of this chapter.

(e) The applicant must submit a report showing that the aircraft incorporating the modifications involved has been flown in all maneuvers necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations specified in § 91.41 [New] and §§ _____ and _____ (present SR 425C §§ 14 and 15) of this section.

(f) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight maneuvers, loading, and operation of controls and equipment, unless, for each limitation not so established, appropriate operating restrictions are established for the aircraft.

(g) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(h) The applicant must operate an aircraft modified in accordance with the corresponding amendment to the type certificate under an experimental certificate issued under §§ 21.191 through 21.195 for the number of hours found necessary by the Administrator.

Subpart D—Changes to Type Certificates

§ 21.91 Applicability.

This subpart prescribes procedural requirements for the approval of changes to type certificates.

§ 21.93 Classification of changes in type design.

Changes in type design are classified as minor and major. A "minor change" is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of the product. All other changes are "major changes".

§ 21.95 Approval of minor changes in type design.

Minor changes in a type design may be approved under a method acceptable to the Administrator before submitting to the Administrator any substantiating or descriptive data.

§ 21.97 Approval of major changes in type design.

In the case of a major change in type design, the applicant must submit substantiating data and necessary descriptive data for inclusion in the type design.

§ 21.99 Service experience changes.

(a) When an Airworthiness Directive is issued under Part 39 [New] the holder of the type certificate for the product concerned must—

(1) If the Administrator finds that design changes are necessary to correct the unsafe condition of the product, and upon his request, submit appropriate design changes for approval; and

(2) Upon approval of the design changes, make available the descriptive data covering the changes to all operators of products previously certificated under the type certificate.

(b) In a case where there are no current unsafe conditions, but the Administrator or the holder of the type certificate finds through service experience that changes in type design will contribute to the safety of the product, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, the manufacturer shall make information on the design changes available to all operators of the same type of product.

§ 21.101 Designation of applicable regulations.

(a) An applicant for a change to a type certificate must comply with either—

(1) The regulations incorporated by reference in the type certificate; or

(2) The applicable regulations in effect on the date of the application, plus any other amendments the Administrator finds to be directly related.

(b) Where the Administrator finds that a proposed change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation, and that the regulations incorporated by reference in the type certificate for the product do not provide complete standards with respect to the proposed change, the applicant must comply with the applicable provisions of this subchapter in effect on the date of the application for the change found by the Administrator to provide a level of safety equal to that established by the regulations incorporated by reference in the type certificate for the product.

(c) Unless otherwise required by § 21.19(a), an applicant for a change to a type certificate for a transport category airplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the requirements of Part 25 [New] of this chapter applicable to the airplane as type certificated with reciprocating engines, and with the following:

(1) The certification performance requirements prescribed in §§ 25.101 through 25.125 and 25.149, 25.1533, 25.1583, and 25.1587.

(2) The powerplant requirements of Part 25 [New] of this chapter applicable to turbopropeller engine-powered airplanes.

(3) The requirements of Part 25 [New] of this chapter for the standardization of cockpit controls and instruments, unless the Administrator finds that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardization.

(4) Any other requirement of Part 25 [New] of this chapter applicable to turbopropeller engine-powered airplanes that the Administrator finds to be related to the changes in engines and that are necessary to ensure a level of safety equal to that of the airplane certificated with reciprocating engines.

For each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the airplane with reciprocating engines, the applicant must show compliance with the requirements of Part 25 [New] of this chapter applicable to the limitation being changed.

Subpart E—Supplemental Type Certificates

§ 21.111 Applicability.

This subpart prescribes procedural requirements for the issue of supplemental type certificates.

§ 21.113 Requirement of supplemental type certificate.

Any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate under § 21.19, shall apply to the Administrator for a supplemental type certificate, except that the holder of a type certificate for the product may apply for amendment of the original type certificate. The application must be made in a form and manner prescribed by the Administrator.

§ 21.115 Applicable airworthiness requirements.

Each applicant for a supplemental type certificate must show that the altered product meets applicable airworthiness requirements as specified in paragraphs (a) and (b) of § 21.101.

§ 21.117 Issue of supplemental type certificates.

(a) An applicant is entitled to a supplemental type certificate if he meets the requirements of §§ 21.113 and 21.115.

(b) A supplemental type certificate consists of—

(1) The approval by the Administrator of a change in the type design of the product; and

(2) The type certificate previously issued for the product.

§ 21.119 Privileges.

The holder of a supplemental type certificate may—

(a) In the case of aircraft, obtain airworthiness certificates;

(b) In the case of other products, obtain approval for installation on certificated aircraft; and

(c) Obtain a production certificate for the change in the type design that was approved by that supplemental type certificate.

Subpart F—Production Under Type Certificate Only

§ 21.121 Applicability.

This subpart prescribes rules for production under a type certificate only.

§ 21.123 Production under type certificate.

Each manufacturer of a product being manufactured under a type certificate only shall—

(a) Make each product available for inspection by the Administrator;

(b) Maintain at the place of manufacture the technical data and drawings necessary for the Administrator to determine whether the product and its parts conform to the type design; and

(c) For products manufactured more than six months after the date of issue of the type certificate, establish and maintain an approved production inspection system that ensures that each product conforms to the type design and is in condition for safe operation.

§ 21.125 Production inspection system: Materials Review Board.

(a) Each manufacturer required to establish a production inspection system by § 21.123(c) shall—

(1) Establish a Materials Review Board (to include representatives from the inspection and engineering departments) and materials review procedures; and

(2) Maintain complete records of Materials Review Board action for at least two years.

(b) The production inspection system required in § 21.123(c) must provide a means for determining at least the following:

(1) Incoming materials, and bought or subcontracted parts, used in the finished product must be as specified in the type design data, or must be suitable equivalents.

(2) Incoming materials, and bought or subcontracted parts, must be properly identified if their physical or chemical properties cannot be readily and accurately determined.

(3) Materials subject to damage and deterioration must be suitably stored and adequately protected.

(4) Processes affecting the quality and safety of the finished product must be accomplished in accordance with

acceptable industry or United States specifications.

(5) Parts and components in process must be inspected for conformity with the type design data at points in production where accurate determinations can be made.

(6) Current design drawings must be readily available to manufacturing and inspection personnel, and used when necessary.

(7) Design changes, including material substitutions, must be controlled and approved before being incorporated in the finished product.

(8) Rejected materials and parts must be segregated and identified in a manner that precludes installation in the finished product.

(9) Materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in the finished product, must be processed through the Materials Review Board. Those materials and parts determined by the Board to be serviceable must be properly identified and reinspected if rework or repair is necessary. Materials and parts rejected by the Board must be marked and disposed of to ensure that they are not incorporated in the final product.

(10) Inspection records must be maintained, identified with the completed product where practicable, and retained by the manufacturer for at least two years.

§ 21.127 Tests: aircraft.

(a) Each person manufacturing aircraft under a type certificate only shall establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

(b) Each production flight test procedure must include the following:

(1) An operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft.

(2) An operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range.

(3) A determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test.

(4) A check of the operational characteristics of the aircraft on the ground.

(5) A check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

§ 21.128 Tests: aircraft engines.

(a) Each person manufacturing aircraft engines under a type certificate only shall subject each engine (except rocket engines for which the manufacturer must establish a sampling technique) to an acceptable test run that includes the following:

(1) Break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at the maximum continuous rating and, if applicable, at the takeoff rating.

(2) At least five hours of operation at the maximum continuous rating. For engines having a takeoff rating higher than the maximum continuous rating, the five-hour run must include 30 minutes at the takoff rating.

(b) The test runs required by paragraph (a) of this section may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.

§ 21.129 Tests: propellers.

Each person manufacturing propellers under a type certificate only shall give each variable pitch propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

§ 21.130 Statement of conformity.

Each holder or licensee of a type certificate only shall, upon the initial transfer by him of the ownership of each product manufactured under that type certificate, or upon application for the original issue of an aircraft airworthiness certificate, give the Administrator a statement of conformity on FAA Form 317. This statement must be signed by an authorized person who holds a responsible position in the manufacturing organization, and must include—

(a) For each aircraft, a statement that the aircraft has been flight checked; and

(b) For each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.

However, in the case of a product manufactured for an Armed Force of the United States, a statement of conformity is not required if the product has been accepted by that Armed Force.

Subpart G—Production Certificates

§ 21.131 Applicability.

This subpart prescribes procedural requirements for the issue of production certificates and rules governing the holders of those certificates.

§ 21.133 Eligibility.

(a) Any person may apply for a production certificate if he holds, for the product concerned, a—

(1) Current type certificate;

(2) Right to the benefits of that type certificate under a licensing agreement; or

(3) Supplemental type certificate.

(b) Each application for a production certificate must be made in a form and manner prescribed by the Administrator.

§ 21.135 Requirements for issuance.

An applicant is entitled to a production certificate if the Administrator finds, after examination of the supporting data and after inspection of the organization and production facilities, that the applicant has complied with §§ 21.139 and 21.143.

§ 21.137 Location of manufacturing facilities.

The Administrator does not issue a production certificate if the manufacturing facilities concerned are located outside the United States, unless the Administrator finds no undue burden on the United States in administering the applicable requirements of the Federal Aviation Act of 1958 or of the Federal Aviation Regulations.

§ 21.139 Quality control.

The applicant must show that he has established and can maintain a quality control system for any product, for which he requests a production certificate, so that each article will meet the design provisions of the pertinent type certificate.

§ 21.143 Quality control data requirements; prime manufacturer.

(a) Each applicant must submit, for approval, data describing the inspection and test procedures necessary to ensure that each article produced conforms to the type design and is in a condition for safe operation, including as applicable—

(1) A statement describing assigned responsibilities and delegated authority of the quality control organization, together with a chart indicating the functional relationship of the quality control organization to management and to other organizational components, and indicating the chain of authority and responsibility within the quality control organization;

(2) A description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by subsidiary manufacturers, including methods used to ensure acceptable quality of parts and assemblies that cannot be completely inspected for conformity and quality when delivered to the prime manufacturer's plant;

(3) A description of the methods used for production inspection of individual parts and complete assemblies, including the identification of any special manufacturing processes involved, the means used to control the processes, the final test procedure for the complete product, and, in the case of aircraft, a copy of the manufacturer's production flight test procedures and checkoff list;

(4) An outline of the materials review system, including the procedure for recording review board decisions and disposing of rejected parts;

(5) An outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality control procedures; and

(6) A list or chart showing the location and type of inspection stations.

(b) Each prime manufacturer shall make available to the Administrator information regarding all delegation of authority to subsidiary manufacturers to make major inspections of parts or assemblies for which the prime manufacturer is responsible.

§ 21.147 Changes in quality control system.

After the issue of a production certificate, each change to the quality control

system is subject to review by the Administrator. The holder of a production certificate shall immediately notify the Administrator, in writing, of any change that may affect the inspection, conformity, or airworthiness of the product.

§ 21.149 Multiple products.

The Administrator may authorize more than one type certificated product to be manufactured under the terms of one production certificate, if the products have similar production characteristics.

§ 21.151 Production limitation record.

A production limitation record is issued as part of a production certificate. The record lists the type certificate of every product that the applicant is authorized to manufacture under the terms of the production certificate.

§ 21.153 Amendment of the production certificates.

The holder of a production certificate desiring to amend it to add a type certificate or model, or both, must apply therefor in a form and manner prescribed by the Administrator. The applicant must comply with the applicable requirements of §§ 21.139, 21.143, and 21.147.

§ 21.155 Transferability.

A production certificate is not transferable.

§ 21.157 Inspections and tests.

Each holder of a production certificate shall allow the Administrator to make any inspections and tests necessary to determine compliance with the applicable regulations in this subchapter.

§ 21.159 Duration.

A production certificate is effective until surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator, or the location of the manufacturing facility is changed.

§ 21.161 Display.

The holder of a production certificate shall display it prominently in the main office of the factory in which the product concerned is manufactured.

§ 21.163 Privileges.

The holder of a production certificate may—

(a) Obtain an aircraft airworthiness certificate without further showing, except that the Administrator may inspect the aircraft for conformity with the type design; or

(b) In the case of other products, obtain approval for installation on certificated aircraft.

§ 21.165 Responsibility of holder.

The holder of a production certificate shall—

(a) Maintain the quality control system in conformity with the data and procedures approved for the production certificate; and

(b) Determine that each completed product submitted for airworthiness certification or approval conforms to the type design and is in a condition for safe operation.

Subpart H—Airworthiness Certificates

§ 21.171 Applicability.

This subpart prescribes procedural requirements for the issue of airworthiness certificates.

§ 21.173 Eligibility.

Any United States citizen who is the registered owner of an aircraft (or the agent of the owner) may apply for an airworthiness certificate for that aircraft. An application for an airworthiness certificate must be made on an FAA Form 305 and submitted to the local FAA District Office.

§ 21.175 Airworthiness certificates: classification.

(a) For aircraft type certificated in the limited or restricted category, a limited or restricted airworthiness certificate, as applicable, is issued.

(b) For aircraft type certificated in the normal, utility, acrobatic, or transport category, a standard airworthiness certificate is issued.

(c) For aircraft meeting the requirements of § 21.193, an experimental airworthiness certificate is issued.

§ 21.177 Amendment or modification.

An airworthiness certificate may be amended or modified only upon application to the Administrator.

§ 21.179 Transferability.

An airworthiness certificate is transferred with the aircraft.

§ 21.181 Duration.

(a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator, an airworthiness certificate is effective as long as the maintenance requirements of Part 91 [New] of this chapter are complied with and the aircraft is registered in the United States.

(b) The owner, operator, or bailee of the aircraft shall upon request make it available for inspection by the Administrator.

(c) Upon suspension, revocation, or termination by order of the Administrator of an airworthiness certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to the Administrator.

§ 21.183 Issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.

(a) *Aircraft manufactured under a production certificate.* An applicant for an original airworthiness certificate for an aircraft manufactured under a production certificate is entitled to an airworthiness certificate without further showing, except that the Administrator may inspect the aircraft for conformity to the type design.

(b) *Aircraft manufactured under type certificate only.* An applicant for an original airworthiness certificate for an aircraft manufactured, under a type certificate only, is entitled to an airworthiness certificate upon presentation of a statement of conformity for the aircraft issued by the manufacturer, and if the Administrator finds after inspection that the aircraft conforms to the type design and is in a condition for safe operation.

(c) *Import aircraft.* An applicant for an original airworthiness certificate for an import aircraft type certificated in accordance with § 21.29 of this Part is entitled to an airworthiness certificate if the country in which the aircraft was manufactured certifies, or the Administrator finds, that the aircraft conforms to the type design and is in a condition for safe operation.

(d) *Other aircraft.* An applicant for an airworthiness certificate for an aircraft not covered by paragraphs (a) through (c) of this section is entitled to an airworthiness certificate if—

(1) He presents evidence to the Administrator that the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to applicable Airworthiness Directives;

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected and found airworthy—

(i) By the manufacturer;

(ii) By an appropriately certificated domestic repair station;

(iii) By a certificated air carrier having adequate overhaul facilities and having a maintenance and inspection organization appropriate to the aircraft type; or

(iv) In the case of a single-engine airplane, by the holder of an inspection authorization issued under Part 65 [New]; of this chapter; and

(3) The Administrator finds after inspection, that the aircraft conforms to the type design, and is in a condition for safe operation.

§ 21.185 Issue of airworthiness certificates for restricted category aircraft.

(a) *Aircraft manufactured under a production certificate or type certificate only.* An applicant for the original issue of a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, must comply with the appropriate provisions of § 21.183.

(b) *Other aircraft.* An applicant for a restricted category airworthiness certificate for an aircraft type certificated in the restricted category, that was either a surplus aircraft of the Armed Forces or previously type certificated in another category, is entitled to an airworthiness certificate if the aircraft has been inspected by the Administrator and found by him to be in a good state of preservation and repair and in a condition for safe operation.

§ 21.187 Issue of multiple airworthiness certification.

(a) An applicant for an airworthiness certificate in the restricted category, and in one or more other categories, is entitled to the certificate if—

(1) He shows compliance with the requirements for each category, when the aircraft is in the configuration for that category; and

(2) He shows that the aircraft can be converted from one category to another

by removing or adding equipment by simple mechanical means.

(b) The operator of an aircraft certificated under this section shall have the aircraft inspected by the Administrator, or by a certificated mechanic with an appropriate airframe rating, to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers for compensation or hire, unless the Administrator finds this unnecessary for safety in a particular case.

§ 21.189 Issue of airworthiness certificate for limited category aircraft.

(a) An applicant for an airworthiness certificate for an aircraft in the limited category is entitled to the certificate when—

(1) He shows that the aircraft has been previously issued a limited category type certificate and that the aircraft conforms to that type certificate; and

(2) The Administrator finds, after inspection (including a flight check by the applicant), that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

(b) The Administrator prescribes limitations and conditions necessary for safe operation.

(c) After June 30, 1965, no person may obtain an airworthiness certificate in the limited category unless he shows that the aircraft was previously issued an airworthiness certificate in the limited category.

§ 21.191 Experimental certificates.

Experimental certificates are issued for amateur-built aircraft and for aircraft that are to be used for experiment, for exhibition, for air racing, or to show compliance with the regulations in this subchapter for the issue of type and airworthiness certificates and related purposes. The Administrator prescribes limitations and conditions necessary for safe operation.

§ 21.193 Experimental certificates: general.

An applicant for an experimental certificate must submit the following information:

(a) A statement, in a form and manner prescribed by the Administrator setting forth the purpose for which the aircraft is to be used.

(b) Enough data (such as photographs) to identify the aircraft.

(c) Upon inspection of the aircraft, any pertinent information found necessary by the Administrator to safeguard the general public.

(d) In the case of an aircraft to be used for experimental purposes—

(1) The purpose of the experiment;

(2) The estimated time or number of flights required for the experiment;

(3) The areas over which the experiment will be conducted; and

(4) Except for aircraft converted from a previously certificated type without appreciable change in the external configuration, three-view drawings or three-view dimensioned photographs of the aircraft.

§ 21.195 Experimental certificates: duration.

(a) Unless otherwise specified by the Administrator, an experimental certificate is effective for one year after the date of issue or renewal.

(b) The owner, operator, or bailee of the aircraft shall, upon request, make it available for inspection by the Administrator.

(c) Upon suspension, revocation, or termination by order of the Administrator of an experimental certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to the Administrator.

§ 21.197 Special flight permits.

(a) Upon application by the registered aircraft owner or his agent, a special flight permit may be issued for an aircraft that may not currently meet applicable airworthiness requirements but is capable of safe flight, for the purpose of—

(1) Flying the aircraft to a base where maintenance or alterations are to be performed;

(2) Delivering or exporting the aircraft; or

(3) Production flight testing new production aircraft.

(b) A special flight permit may also be issued to authorize the operation of an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorized under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

§ 21.199 Issue of special flight permits.

(a) An applicant for a special flight permit must submit a statement, in a form and manner prescribed by the Administrator, indicating—

(1) The purpose of the flight;

(2) The proposed itinerary;

(3) The duration of authorization requested;

(4) The number of occupants;

(5) The ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements; and

(6) Any restrictions considered necessary for safe operation of the aircraft.

(b) The Administrator may make, or require the applicant to make appropriate inspections or tests necessary for safety.

Subpart I—Provisional Airworthiness Certificates

§ 21.211 Applicability.

This subpart prescribes procedural requirements for the issue of provisional airworthiness certificates.

§ 21.213 Eligibility.

(a) A manufacturer who is a United States citizen may apply for a Class I or Class II provisional airworthiness certificates for aircraft manufactured by him within the U.S.

(b) Any holder of an air carrier operating certificate under Parts __, __, __, (present Parts 40, 41, 42) or Part 127 [New] of this chapter who is a United States citizen may apply for a Class II provisional airworthiness certificate for transport category aircraft that meet either of the following:

(1) The aircraft has a current Class II provisional type certificate or an amendment thereto.

(2) The aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.

(c) An aircraft engine manufacturer who is a United States citizen and who has altered a type certificated aircraft by installing different type certificated engines, manufactured by him within the United States, may apply for a Class I provisional airworthiness certificate for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, or transport category.

§ 21.215 Application.

Applications for provisional airworthiness certificates must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the FAA Regional Office for the area in which the manufacturer or air carrier is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division). The application must be accompanied by the pertinent information specified in this subpart.

§ 21.217 Duration.

Unless sooner surrendered, superseded, revoked, or otherwise terminated, provisional airworthiness certificates are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.

§ 21.219 Transferability.

Class I provisional airworthiness certificates are not transferable. Class II provisional airworthiness certificates may be transferred to an air carrier eligible to apply for a certificate under § 21.213(b).

§ 21.221 Class I provisional airworthiness certificates.

(a) Except as provided in § 21.225, an applicant is entitled to a Class I provisional airworthiness certificate for an aircraft for which a Class I provisional type certificate has been issued if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in §§ 21.81(e) and 91.41 of this subchapter.

(b) The manufacturer must hold a provisional type certificate for the aircraft.

(c) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the pro-

visional type certificate and has been found by him to be in safe operating condition under all applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations established by §§ 21.81(e) and 91.41.

§ 21.223 Class II provisional airworthiness certificates.

(a) Except as provided in § 21.225, an applicant is entitled to a Class II provisional airworthiness certificate for an aircraft for which a Class II provisional type certificate has been issued if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations established in §§ 21.83(g), 91.41, and ------ (present SR 425C § 14) of this chapter.

(b) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(c) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality control system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(d) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(e) The aircraft must be flown at least five hours by the manufacturer.

(f) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations established by §§ 21.83(g), 91.41, and ------ (present SR 425C § 14) of this chapter.

§ 21.225 Provisional airworthiness certificates corresponding with provisional amendments to type certificates.

(a) An applicant is entitled to a Class I or a Class II provisional airworthiness certificate, for an aircraft, for which a provisional amendment to the type certificate has been issued, if—

(1) He meets the eligibility requirements of § 21.213 and he complies with this section; and

(2) The Administrator finds that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations established in §§ 21.85(f), 91.41, and ------ (present SR 425C § 14) of this chapter.

(b) The applicant must show that the modification was made under a quality control system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(c) The applicant must submit a statement that the aircraft has been found by him to be in a safe operating condition under the applicable limitations.

(d) The aircraft must be flown at least five hours by the manufacturer.

(e) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations required by §§ 21.85(f), 91.41, and ------ (present SR 425C § 14) of this chapter.

Subpart J—Delegation Option Procedures for Certification of Small Airplanes and Gliders, Engines, and Propellers

§ 21.231 Applicability.

This subpart prescribes delegation option procedures for the type, production, and airworthiness certification of—

(a) Small airplanes and small gliders; and

(b) Piston engines of less than 1,000 cubic inches piston displacement, and propellers manufactured for use on those engines.

§ 21.235 Application.

An application for a delegation option authorization must be submitted, in a form and manner prescribed by the Administrator, to the FAA Regional Office for the area in which the manufacturer is located.

§ 21.239 Eligibility.

To be eligible for a delegation option authorization the applicant must—

(a) Hold a current type certificate for a product under the same part under which the delegation option authorization is sought;

(b) Hold a current production certificate for a product issued under the standard procedures;

(c) Employ a competent staff of engineering, flight test, production, and inspection personnel adequate to maintain compliance with the applicable certification requirements of this Part; and

(d) Request the appointment of an individual by the Administrator as a DMCR in accordance with § 21.241.

(e) Meet the requirements of this subpart.

§ 21.241 Designated manufacturer's certification representative (DMCR).

(a) A DMCR is a person who—

(1) Holds a responsible position in a manufacturer's organization with respect to the design and manufacture of the pertinent product; and

(2) Upon request by the manufacturer, has been issued a certificate by the Administrator, and has been listed on the delegation option authorization issued to the manufacturer.

(b) The DMCR may be replaced by another eligible person upon request by the holder of the delegation option authorization and the listing of the replacing individual by the Administrator on the authorization.

§ 21.243 Duration.

A delegation option authorization is effective for one year unless suspended, canceled, or revoked by the Administrator. An authorization may be renewed upon application if the Administrator finds the record of the applicant to be satisfactory and that the requirements of § 21.245 are met. The holder of the authorization shall request the FAA to cancel it if he no longer desires to use the delegation option procedure.

§ 21.245 Maintenance of eligibility.

The holder of a delegation option authorization must continue to meet the requirements for issue of the authorization. To be eligible for renewal of the authorization, the holder must have a record over the previous year that shows his competence, willingness, and ability to carry out the delegated responsibilities.

§ 21.247 Transferability.

A delegation option authorization is not transferable.

§ 21.249 Inspections.

Upon request, the applicant for a delegation option authorization or the holder of the authorization shall allow the Administrator to inspect his organization, facilities, product, and records.

§ 21.251 Limits of applicability.

(a) The delegation option procedures apply only to products that are manufactured by the holder of a delegation option authorization.

(b) Delegation option procedures may be used for the following purposes:

(1) Type certification.

(2) Changes in the type design of products for which the manufacturer holds or obtains a type certificate.

(3) The amendment of a production certificate held by the manufacturer, to include additional models or additional types for which he holds or obtains type certificates.

(4) The issue of airworthiness certificates for airplanes and gliders for which the manufacturer holds a type certificate and holds or is in the process of obtaining a production certificate. For this privilege to be continued, the production certificate must be obtained within six months from the date the type certificate is issued.

(c) Delegation option procedures may be applied to one or more types selected by the manufacturer, who must notify the FAA of each model, and the first serial number of each model manufactured by him under the delegation option procedures. Other types or models may remain under the standard procedures.

§ 21.253 Type certificates; application.

(a) Whenever a manufacturer desires to obtain a type certificate for a new type under the delegation option procedures, the DMCR must submit to the Administrator—

(1) An application for a type certificate (FAA Form 312), together with a statement listing those airworthiness requirements of this chapter (by part number and effective date) that the DMCR considers applicable;

(2) A three-view drawing of the product;

(3) A description of the salient characteristics of the design;

(4) An outline of the method to be used to substantiate compliance; and

(5) An estimated time schedule of compliance with applicable requirements.

(b) After reviewing the application, the Administrator notifies the DMCR whether the Administrator finds that the requirements stated in accordance with paragraph (a)(1) of this section, or other specified requirements, are applicable.

§ 21.255 Type certificates; FAA verification of compliance with applicable requirements.

The Administrator verifies compliance with standards and rules for unconventional designs and design features having a substantially significant effect on safety, and determines whether there are any apparent unairworthy features. In addition, the Administrator may participate in test programs.

§ 21.257 Type certificate; issue.

(a) After determining that the applicable airworthiness requirements are met, the DMCR must request the Administrator to issue a type certificate. This request must be made in a form and manner, and must contain the information, prescribed by the Administrator.

(b) The proposed specification and, if required by the applicable airworthiness requirements, a copy of the airplane flight manual as approved by the DMCR, or if an airplane flight manual is not required, a summary of the required operating limitations, information, and performance, approved by the DMCR, must be sent with the request.

(c) If the Administrator finds that the applicable regulations have been complied with, he issues a type certificate.

§ 21.259 Type certificate; type inspection.

In determining compliance with the applicable airworthiness requirements, the DMCR shall make a type inspection and complete a Type Inspection Report, using an acceptable form or format, that he must sign and include in the manufacturer's technical data file.

§ 21.261 Type certificate; FAA assistance.

The DMCR shall request the advice of the FAA on any interpretation that requires application of the equivalent safety provisions set forth in § 21.21 or contained in the applicable airworthiness standards. FAA rulings will be confirmed in writing.

§ 21.263 Type certificate; change in type design.

(a) Under the delegation option procedures, the manufacturer may change the type design for which he holds a type certificate, when the DMCR finds that the changes conform to applicable airworthiness requirements.

(b) If the proposed changes would alter the information in the specification or airplane flight manual, the manufacturer must promptly submit proposed specification revisions or airplane flight manual revisions to the Administrator as follows:

(1) The DMCR must furnish a statement to the Administrator, briefly describing major changes to the type design and listing the particular airworthiness requirements of this chapter that he considers applicable.

(2) Upon receiving such a statement, the Administrator notifies the DMCR whether the Administrator finds that the stated requirements apply or that other specified requirements apply.

§ 21.265 Type certificate; technical data file.

(a) The manufacturer shall prepare and maintain a technical data file for each product type certificated under the delegation option procedure, in accordance with § 21.293(a)(1)(i).

(b) The manufacturer shall grant authorized employees of the FAA access to this file at any time.

(c) If the manufacturer goes out of business or no longer operates under the delegation option procedures the file becomes the property of the FAA.

§ 21.267 Production certificates; application.

(a) When a manufacturer desires to list a new model or new type certificate on his production certificate, the DMCR for that manufacturer, after finding that the manufacturer meets the production certificate requirements of Subpart F of this part with respect to the new model or type, must submit a request therefor to the Administrator. This request must include the following:

(1) A Statement of Compliance containing the information prescribed by the Administrator.

(2) A completed Form FAA 332.

(b) Upon receipt of these documents the Administrator adds the new model designation, or type certificate number, or both, to the production certificate and sends the manufacturer an amended production limitation record.

§ 21.269 Production certificates; inspection.

(a) In determining whether the manufacturer meets the applicable production certificate requirements, the DMCR must, for each new model or type added to the production certificate under the delegation option procedures, inspect the manufacturer's organization, facilities, methods, and procedures for manufacturing and controlling the quality and conformity of the product.

(b) The DMCR shall notify the Administrator, in advance, of all inspections and allow him to participate if he considers it necessary.

(c) The DMCR shall complete and sign a Manufacturing Inspection Report (FAA Form 314) for inclusion in the manufacturer's records.

(d) At least once each year while the manufacturer holds a delegation option authorization, the DMCR shall inspect the manufacturer's facilities, methods, and procedures. The Administrator will participate as necessary. The DMCR shall report to the Administrator on each annual factory inspection on FAA Form 314.

§ 21.271 Production certification file and reports.

The manufacturer shall make and maintain a production certification file, and make reports covering changes in organization and procedures and special processes, as required by the production certificate requirements of Subpart F of this part. He shall include all reports and inspection records for each model produced under the delegation option procedures in his records, as specified in § 21.293(a)(2).

§ 21.273 Airworthiness certificates.

(a) A DMCR may issue an airworthiness certificate, or a certificate of airworthiness for export, for an airplane or glider manufactured under the delegation option procedure if he finds, on the basis of the inspection and production flight check, that the aircraft conforms to a type design for which the manufacturer holds a type certificate and is in a condition for safe operation.

(b) The DMCR may authorize any other employee of the manufacturer to sign the airworthiness certificates for him, over his name and designee number if the authorized employee—

(1) Performs, or is in direct charge of, the inspections specified in paragraph (a) of this section; and

(2) Has been listed on the manufacturer's application for the delegation option authorization, or on amendments thereto.

(c) A DMCR shall issue and attach an approval tag (FAA Form 186) to each new engine or propeller manufactured under the delegation option procedure if he finds, on the basis of the inspection and operational tests, that the engine or propeller conforms to a type design for which the manufacturer holds a type certificate and is in condition for safe operation. After a new model has been included on the Production Limitation Record, the DMCR shall make certain that the production certification number is stamped on the engine or propeller identification data plate in place of issuing an approval tag (FAA Form 186).

§ 21.277 Service difficulties.

(a) If an FAA investigation of an accident or service difficulty report indicates unsafe features or characteristics caused by defects in design or manufacture, the Administrator requests the manufacturer to report the results of his investigation, and also to report the action, if any, taken or proposed by him (such as service bulletins or design changes). If the nature of the defect is of such importance that mandatory corrective action by the user of the product is necessary for safety, the manufacturer shall submit to the Administrator the information necessary for the issue of an airworthiness directive.

(b) The manufacturer shall, upon the Administrator's request, allow him to inspect and test his product, and to investigate his technical data files and manufacturing facilities.

(c) The manufacturer shall maintain a file of information on service difficulties received from all sources, and make that

file available to the Administrator at all times.

(d) If the Administrator finds that a serious safety hazard exists because of the manufacturer's failure to comply with any applicable requirement of this part, he may take any action necessary to require correction of the defect in existing models and to ensure compliance in products produced thereafter.

§ 21.283 Revocation of delegation option authorization.

If the number or importance of established cases of noncompliance warrants, or if the manufacturer does not comply with the requirements of this subpart, the Admininstrator may request the manufacturer to show cause why his privileges under the delegation option procedures should not be withdrawn. These privileges may be withdrawn until the manufacturer re-establishes his eligibility to the satisfaction of the Administrator.

§ 21.285 Suspension and revocation of certificates.

Each action against a type or production certificate held by the manufacturer is processed in accordance with standard procedures.

§ 21.289 Approval of major repairs and alterations.

(a) *Approval of major repairs and alterations performed by the manufacturer.* For types included under the manufacturer's delegation option authorization, the DMCR may—

(1) After finding that the major repair or alteration complies with the applicable requirements, approve the repair or alteration under § 43.7; and

(2) Authorize any other employee of the manufacturer to execute and sign FAA Form 337 and make required logbook entries over his name and designee number, if the authorized employee—

(i) Performs, or is in direct charge of, inspecting the repair or alteration; and

(ii) Has been listed on the manufacturer's application for the delegation option or on amendments thereto.

(b) *Approval of major repairs and alterations performed by agencies other than the manufacturer.* Anyone performing a major repair or alteration to a product certificated under the delegation option procedure must either—

(1) Obtain the necessary technical data or advice from the manufacturer; or

(2) Conduct the technical investigations and tests necessary to demonstrate compliance with the applicable airworthiness requirements.

§ 21.293 Data and records.

(a) A manufacturer shall maintain at his factory, for all types certificated under the delegation option procedures, current records containing the following:

(1) For the duration of the manufacturing operation under the delegation option authorization—

(i) A technical data file for each type that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report (FAA Form 283) and amendments to that report;

(ii) The report (including amendments) required to be submitted with the original application for the production certificate; and

(iii) A record of all major repairs and alterations performed under the delegation option procedures.

(2) For two years—

(i) A complete inspection record for each type produced, by serial number, and data covering the processes and tests to which materials and parts are subjected;

(ii) The factory inspection reports specified in § 21.269 (c) and (d); and

(iii) A record of reported service difficulties.

(b) The records and data specified in paragraph (a) of this section must be—

(1) Made available, upon the Administrator's request, for his examination at any time; and

(2) Identified and sent to the Administrator, as soon as the manufacturer no longer operates under the delegation option procedures.

Subpart K—Approval of Materials, Parts, Processes, and Appliances

§ 21.301 Applicability.

This subpart prescribes procedural requirements for the approval of certain materials, parts, processes, and appliances.

§ 21.303 Replacement or modification parts.

(a) Except as provided in paragraph (b) of this section, no person may produce replacement or modification parts for sale for installation on a type certificated product unless he has complied with §§ 21.21(b)(1), 21.33, 21.43, Subpart D (if applicable) and § 45.15 of this chapter.

(b) This section does not apply to the following:

(1) Parts produced under a type or production certificate.

(2) Parts produced by an owner or operator for maintaining or altering his own product.

(3) Standard parts (such as bolts and nuts) conforming to established industry or United States specifications (e.g. SAE and military specifications and FAA Technical Standard Orders).

(c) Each person producing replacement or modification parts for sale shall establish (within six months from the date of initial production) and maintain a fabrication inspection system that ensures that each part conforms with the design data and is safe for installation on type certificated products and that includes at least the following, where applicable:

(1) Incoming materials used in the finished part must be as specified in the design data.

(2) Incoming material must be properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined.

(3) Materials subject to damage and deterioration must be suitably stored and adequately protected.

(4) Processes affecting the quality and safety of the finished product must be accomplished in accordance with acceptable specifications.

(5) Parts in process must be inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved.

(6) Current design drawings must be readily available to manufacturing and inspection personnel, and used when necessary.

(7) Major changes to the basic design must be adequately controlled and approved before being incorporated in the finished part.

(8) Rejected materials and components must be segregated and identified in such a manner as to preclude their use in the finished part.

(9) Inspection records must be maintained, identified with the completed part, where practicable, and retained in the manufacturer's file for a period of at least two years after the part has been completed.

§ 21.305 Approval of materials, parts, processes, and appliances.

Whenever a material, part, process, or appliance is required to be approved under this chapter it may be approved—

(a) Under a technical standard order issued under Part 37 [New] of this chapter;

(b) In conjunction with type certification procedures for a product; or

(c) In any other manner approved by the Administrator.

§ 21.307 Approval of materials, parts, and appliances: import.

(a) A material, part, or appliance manufactured in a foreign country is considered to meet the requirements for approval in the Federal Aviation Regulations when the country of manufacture certifies that the material, part, or appliance meets those requirements, unless the Administrator finds, based on the technical data submitted under paragraph (b) of this section, that the material, part, or appliance is otherwise not consistent with the intent of the applicable Federal Aviation Regulations.

(b) An applicant for approval of a material, part, or appliance must, upon request, submit to the Administrator any technical data respecting that material, part, or appliance.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 21—DISTRIBUTION TABLE

Former section	*Revised section*
1.0 (except last clause)	21.1.
1.1	Transferred to Part 1 [New].
1.2	21.31.
1.10 (1st sentence)	21.13.
1.10 (less 1st sentence)	21.15.
1.10–1	21.15.
1.11	21.11.
1.11–1	Not a rule.
1.12	21.21, 21.23.
1.12–1	Not a rule.

Former section	Revised section
1.12–2	Not a rule.
1.13	21.43.
1.14	21.47.
1.14–1	Not a rule.
1.15(a)	21.33.
1.15 (less (a))	21.123.
1.15–1	Not a rule.
1.15–2	Not a rule.
1.15–3	Not a rule.
1.15–4 (less (d), (e), and (f)).	21.125.
1.15–4(d)	21.127.
1.15–4(e)	21.128.
1.15–4(f)	21.129.
1.15–5 (less (k))	21.125.
1.15–5(k)	Surplusage.
1.15–6	Not a rule.
1.16	21.51.
1.17	21.49.
1.18	21.45.
1.19(a)	21.130.
1.19 (less (a))	21.53.
1.19–1	21.130.
1.20	21.91.
1.20–1	Not a rule.
1.21	21.93.
1.22	21.95.
1.23	21.97.
1.24 (less 1st sentence of (a)).	21.99.
1.24(a) (1st sentence)	Transferred to Part 39 [New].
1.25	21.113.
1.25–1	Not a rule.
1.26	21.115.
1.26–1	Not a rule.
1.27	21.117.
1.27–1	Not a rule.
1.27–2	Not a rule.
1.28	21.119.
1.28–1	Not a rule.
1.30	21.133.
1.30–1	Surplusage.
1.30–2	Not a rule.
1.31	21.133.
1.32	21.135.
1.32–1	Not a rule.
1.33	21.137.
1.33–1	21.137.
1.34 (1st sentence)	21.139.
1.34 (less 1st sentence)	Surplusage.
1.34–1	Not a rule.
1.34–2	Not a rule.
1.34–3	Not a rule.
1.35	21.163.
1.35–1	Not a rule.
1.36	21.143.
1.36–1	Not a rule.
1.36–2	Not a rule.
1.37	21.143.
1.37–1	Not a rule.
1.38	21.147.
1.38–1	Not a rule.
1.39	21.149.
1.39–1	Not a rule.
1.40	21.151.
1.40–1	Not a rule.
1.41	21.153.
1.41–1	Not a rule.
1.42	21.155.
1.42–1	Not a rule.
1.43	21.157.
1.43–1	Not a rule.
1.43–2	Not a rule.
1.44	21.159.
1.44–1	Not a rule.
1.45	21.161.
1.45–1	Not a rule.
1.46	21.165.
1.50	Part 45 [New].
1.50–1	Part 45 [New].
1.55	21.303.
1.55–1	Not a rule.
1.55–2	Not a rule.
1.55–3	21.303.
1.55–4	Not a rule.
1.60	21.173.
1.60–1	Not a rule.
1.60–2	21.173.
1.60–3	Not a rule.
1.60–4	Not a rule.
1.61	21.175.
1.61–1	21.175.
1.62	21.177.
1.62–1	Not a rule.
1.63	21.179.
1.64	21.181.
1.65	Transferred to Part 91 [New].
1.65–1	Transferred to Part 91 [New].
1.66	Surplusage.
1.67	21.183.
1.68	Surplusage.
1.69	21.185.
1.69–1	Not a rule.
1.70	21.187.
1.70–1	Not a rule.
1.71 (less 2d sentence)	21.189.
1.71 (2d sentence)	Transferred to Part 91 [New].
1.71–1	Not a rule.
1.72	21.189.
1.72–1	Not a rule.
1.73	21.191.
1.73–1	Not a rule.
1.74 (less (b))	21.193.
1.74(b)	21.191.
1.74–1	21.193.
1.74–2	Not a rule.
1.74–3	Not a rule.
1.75	21.195.
1.75–1	Not a rule.
1.76	21.197.
1.77	21.199.
1.77–1(a)	21.197.
1.77–1 (less (a))	Not a rule.
1.77–2	Not a rule.
1.77–3	Not a rule.
1.77–4	Transferred to Part 91 [New].
3.10	21.21.
3.11 (less (d) and (e))	21.17.
3.11(d)	21.101.
3.11(e)	21.19.
3.12	Surplusage.
3.13(a)	21.21.
3.13 (less (a))	21.41.
3.14(a)	21.21.
3.14 (less (a))	21.31.
3.15	21.33.
3.16	21.35.
3.16–1	Not a rule.
3.17	Not a rule.
3.18 (less note)	Surplusage.
3.18 (note)	21.305.
3.18–1	Surplusage.
3.18–2	Not a rule.
3.18–3	Not a rule.
3.18–4	Not a rule.
3.19	Not a rule.
3.62	21.37.
3.63	21.35.
3.64	21.35.
3.65	21.39.
4b.10	21.21.
4b.10–1	Not a rule.
4b.10–2	Not a rule.
4b.10–3	Not a rule.
4b.11 (less (d), (e), and (f)).	21.17.
4b.11 (d) and (f)	21.101.
4b.11(e)	21.19.
4b.12	Surplusage.
4b.13(a)	21.21.
4b.13 (less (a))	21.41.
4b.14(a)	21.21.
4b.14 (less (a))	21.31.
4b.15	21.33.
4b.16	21.35.
4b.16–1 (1st sentence)	21.35.
4b.16–1 (less 1st sentence).	Not a rule.
4b.16–2	Not a rule.
4b.16–3	Not a rule.
4b.16–4	Not a rule.
4b.17	Not a rule.
4b.18 (less note)	Surplusage.
4b.18 (note)	21.305.
4b.18–1	Surplusage.
4b.18–2	Not a rule.
4b.18–3	Not a rule.
4b.18–4	Not a rule.
4b.19	Not a rule.
4b.100 (less (d)–(g))	Part 25 [New].
4b.100(d)	21.37.
4b.100 (e) and (f)	21.35.
4b.100(g)	21.39.
5.0	Surplusage.
5.1	Transferred to Part 1 [New] or omitted as surplusage.
5.10	21.23.
5.11 (less (d) and (e))	21.17.
5.11(d)	21.101.
5.11(e)	21.19.
5.12	Surplusage.
5.13(a)	21.23.
5.13 (less (a))	21.41.
5.14(a)	21.23.
5.14 (less (a))	21.31.
5.15	21.33.
5.16	21.35.
5.17	Not a rule.
5.18 (less note)	Surplusage.
5.18 (note)	21.305.
5.19	Not a rule.
6.10	21.21.
6.11 (less (d) and (e))	21.17.
6.11(d)	21.101.
6.11(e)	21.19.
6.12	Surplusage.
6.13(a)	21.21.
6.13 (less (a))	21.41.
6.14(a)	21.21.
6.14 (less (a))	21.31.
6.15	21.33.
6.16	21.35.
6.17	Not a rule.
6.18 (less note)	Surplusage.
6.18 (note)	21.305.
6.18–1	Surplusage.
6.18–2	Not a rule.
6.18–3	Not a rule.
6.19	Not a rule.
6.100 (less (d)–(g))	Part 27 [New].
6.100(d)	21.37.
6.100(e) and (f)	21.35.
6.100(g)	21.39.
7.10	21.21.
7.11 (less (d) and (e))	21.15.
7.11(d)	21.101.
7.11(e)	21.19.
7.12	Surplusage.
7.13(a)	21.21.
7.13 (less (a))	21.41.
7.14(a)	21.21.
7.14 (less (a))	21.31.
7.15	21.33.
7.16	21.35.
7.17	Not a rule.
7.18 (less note)	Surplusage.
7.18 (note)	21.305.
7.19	Not a rule.
7.100 (less (d)–(g))	Part 29 [New].
7.100(d)	21.37.
7.100(e) and (f)	21.35.
7.100(g)	21.39.
8.0	Surplusage.
8.0–1(b)	21.25.
8.0–1 (less (b))	Not a rule.
8.0–2	Not a rule.
8.0–3	Not a rule.
8.1	Transferred to Part 1 [New] or omitted as surplusage.
8.1–1	Not a rule.
8.10	21.25.
8.10–1	Not a rule.
8.10–2	Not a rule.
8.10–3	Not a rule.
8.10–4	Not a rule.
8.10–5	Not a rule.

Former section	Revised section
8.20	21.185.
8.20–1	Not a rule.
8.20–2	Not a rule.
8.20–3	Not a rule.
8.21	21.187.
8.21–1	Not a rule.
8.30	Surplusage.
8.30–1	Not a rule.
8.34	Surplusage.
8.34–1	Not a rule.
9.1	Surplusage.
9.2	Surplusage.
9.3	21.189.
Part 9a	21.27.
10.0	Surplusage.
10.1	Transferred to Part 1 [New] or omitted as surplusage.
10.10	21.29.
10.11	21.29.
10.12	21.29.
10.20	Surplusage.
10.21 (less (b) and note)	Surplusage.
10.21 (note)	21.305.
10.21(b)	21.307.
10.30	Part 45 [New].
10.31	21.29, 21.307.
13.10	21.21.
13.11 (less (d) and (e))	21.17.
13.11(d)	21.101.
13.11(e)	21.19.
13.12	Surplusage.
13.13(a)	21.21.
13.13 (less (a))	21.41.
13.14(a)	21.21.
13.14 (less (a))	21.31.
13.15	21.33.
13.16	Part 33 [New].
13.17	Not a rule.
13.18 (less note)	Surplusage.
13.18 (note)	21.305.
13.18–1	Not a rule.
13.19	Not a rule.
13.20	Part 45 [New].
13.21	Part 33 [New].
14.10	21.21.
14.11 (less (d) and (e))	21.17.
14.11(e)	21.19.
14.11(d)	21.101.
14.12	Surplusage.
14.13(a)	21.21.
14.13 (less (a))	21.41.
14.14(a)	21.21.
14.14 (less (a))	21.31.
14.14–1	Not a rule.
14.14–2	Not a rule.
14.15	21.33.
14.16	Transferred to Part 35 [New].
14.16–1	Not a rule.
14.16–2	Not a rule.
14.16–3	Not a rule.
14.17	Not a rule.
14.18 (less note)	Surplusage.
14.18 (note)	21.305.
14.19	Not a rule.
14.21	Part 35 [New].
410.1	Transferred to Part 1 [New] or omitted as surplusage.
410.2	21.231.
410.11	21.235.
410.12	Surplusage.
410.13	21.239.
410.14	21.241.
410.15	21.243.
410.16	21.245.
410.17	21.247.
410.18	21.249.
410.31	21.251.
410.32(a)(1)	21.253.
410.32(a)(2)	21.255.
410.32(a)(3)	21.257.
410.32(b)	21.263.
410.32(c)	21.259.
410.32(d)	21.261.
410.32 (less (a), (b), (c), and (d))	21.265.
410.33(a)	21.267.
410.33 (b) and (c)	21.269.
410.33 (less (a), (b), and (c))	21.271.
410.34	21.273.
410.35	21.273.
410.36 (less (f) and (g))	21.277.
410.36(f)	21.283.
410.36(g)	21.285.
410.37	21.289.
410.38	21.293.
SR 422 (less 4T.110–123, 4T.743, and 40T.80–84).	Surplusage.
SR 422A (less 4T.110–123, 4T.743, and 40T.80–84).	Surplusage.
SR 422B (less 4T.110–123, 4T.743, and 40T.80–84).	Surplusage.
SR 425C.1	21.71 and 21.211.
SR 425C.2 (less (b))	21.73 and 21.213.
SR 425C.2(b)	21.213.
SR 425C.3	21.75 and 21.215.
SR 425C.4 (less (f))	21.77.
SR 425C.4 (1st sentence and (f)).	21.217.
SR 425C.5	21.79 and 21.219.
SR 425C.6	Part 45 [New].
SR 425C.7	21.81.
SR 425C.8	21.221.
SR 425C.9	21.83.
SR 425C.10	21.223.
SR 425C.11	21.85.
SR 425C.12	21.225.
SR 425C.16	Surplusage.

[F.R. Doc. 64–10726; Filed, Oct. 23, 1964; 8:45 a.m.]

[Airspace Docket No. 64–SO–20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Control Zone and Transition Area; Revocation; Alteration of Effective Date

On September 11, 1964, a rule was published in the FEDERAL REGISTER (29 F.R. 12823) which amended Part 71 [New] by revoking an extension to the Augusta, Ga., control zone and a portion of the Augusta, Ga., transition area.

Revocation of this control zone and transition area was premised on the relocation of the Augusta nondirectional radio beacon. The relocation, originally scheduled for November 12, 1964, will make the controlled airspace based on the beacon unnecessary. However, subsequent to the publication of the rule, it was determined that leasing difficulties for the land involved in relocating the radio beacon would not be resolved in time to implement the present effective date. Therefore, action is taken herein to change the effective date of Airspace Docket No. 64–SO–20 from November 12, 1964, to December 10, 1964.

Since thirty days will elapse from the time of publication of the rule, as initially adopted, to this new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on October 19, 1964.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–10830; Filed, Oct. 23, 1964; 8:45 a.m.]

Chapter III—Federal Aviation Agency

PART 410—DELEGATION OPTION PROCEDURES FOR CERTIFICATION OF SMALL AIRPLANES, GLIDERS, ENGINES, AND PROPELLERS

Deletion

CROSS REFERENCE: For a document deleting Part 410 of Title 14, see Title 14 Chapter I, F.R. Doc. 64–10726, *supra*.

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 6270; Amdt. 826]

PART 507—AIRWORTHINESS DIRECTIVES

Piper Model PA–25–235 Aircraft

Recent CO contamination tests conducted as a result of an incident have shown that air leaks exist in the area of the fuselage right landing gear fittings on Piper Model PA–25–235 aircraft which permit entrance of engine fumes to the cockpit. To correct this condition, an airworthiness directive is being issued to require the installation of seals at the front and rear right main landing gear fittings.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507) is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–25–235 aircraft, Serial Numbers 25–02, 25–2000 through 25–2931.

Compliance required within 50 hours' time in service after the effective date of this AD unless already accomplished.

Air leaks, which permit entrance of engine fumes into the cockpit, exist in the area of the fuselage right main landing gear fittings. To correct this condition, accomplish the following:

Install seals, Piper Kit Number 756824 or FAA-approved equivalent, at the front and rear right main landing gear fittings as indicated on the sketch on the reverse side of Piper Service Bulletin No. 221 dated August 27, 1964.

(Piper Service Bulletin No. 221 dated August 27, 1964, pertains to this same subject.)

This amendment shall become effective October 24, 1964. On November 20, 1964, this directive becomes an amendment to § 39.13 of Part 39 [New] of the Federal Aviation Regulations.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on October 19, 1964.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-10832; Filed, Oct. 23, 1964; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[9th Gen. Rev. of Export Regs., Amdt. 92]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following revisions and amendments are made in the Export Regulations:

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Section 370.2(a) is revised to read as follows:

§ 370.2 Prohibited exportations.

(a) *General provisions.* Subject to the provisions of §§ 370.3, 370.4, and 370.5, the exportation from the United States of all commodities and all technical data as defined in § 385.1 is hereby prohibited unless and until a general license authorizing such exportation shall have been established or a validated license authorizing such exportation shall have been granted by the Office of Export Control, except:

(1) Any exportation to Canada, except: [1]

(i) Walnut logs, bolts, and hewn timber, Schedule B No. 40040;

(ii) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390; and

(iii) The types of technical data described in § 385.2(c)(5). (See § 370.3.)

(2) Exportations for the official use of or consumption by the United States Armed Forces when shipped by or consigned to any branch thereof under a United States Government Bill of Lading or a United States Government space charter or by means of a United States Government-owned or Government-chartered carrier (see § 370.4); and

(3) Exportations of commodities and technical data controlled by another government agency (see § 370.5).

* * * * *

PART 371—GENERAL LICENSES

Section 371.10(d)(3) is revised to read as follows:

§ 371.10 General license *GLV*; shipments of limited value.

* * * * *

(d) *Positive List commodities.* * * *

(3) *Canada.* Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390 may be exported to Canada provided the net value of a single shipment does not exceed $100.

* * * * *

The introductory portion of § 371.18 is revised, and a new paragraph (f) is added, to read as follows:

§ 371.18 General license GLR; return of certain commodities imported into the United States.

A general license designated GLR is hereby established, authorizing exportations described below. When an exportation is made under the provisions of paragraphs (a) through (e) of this section, the entry number (if any), the country from which the commodities were imported, and the port of entry shall be shown on the Shipper's Export Declaration.

* * * * *

(f) *Commodities exported to replace defective or unacceptable United States origin parts or equipment.*[1] (1) Any commodity may be exported under the provisions of this general license to replace any defective or unacceptable United States origin part or equipment subject to the following conditions:

(i) No commodity may be exported to a Subgroup A destination, Poland (including Danzig), Rumania, Hong Kong, Macao, or Cuba.

(ii) No commodity shall be used to replace any defective part or equipment owned or controlled by, or leased or chartered to, a Subgroup A country, Poland (including Danzig), Rumania, or Cuba, or a national of any of these countries.

(iii) The commodity shall not be technologically advanced over the defective parts or equipment.

(iv) The defective part or equipment which is replaced shall have been previously exported under a validated export license.

(v) The defective part or equipment which is replaced shall be either destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States.

(vi) The defective part or equipment shall be replaced free of charge, except that a charge may be made for transportation and labor only.

(2) Any exportation made under the provisions of this paragraph (f) shall be cleared with the Collector of Customs in accordance with Part 379 except that the exporter or his duly authorized agent shall:

(i) Present to the Collector an additional copy of the Shipper's Export Declaration in accordance with the provisions of § 379.3(c)(3); and

(ii) Place the following certification, substituting the appropriate parenthetical phrases if applicable, on the Shipper's Export Declaration:

I (We) certify that the commodity(ies) described on this Declaration are being exported under the provisions of General License *GLR* to replace a defective or unacceptable United States origin part or equipment previously exported from the United States under validated export license number ---------. I (We) further certify that the defective or unacceptable part or equipment has been (shall be promptly) returned to the United States (destroyed abroad).

§ 371.52 [Amended]

Section 371.52 *Supplement 2; Commodities destined to Poland (including Danzig) or Rumania which are excepted from General License GRO* is amended by adding the following commodities:

Schedule B No.	Commodity description
82591	Acetal resins.
83299	Alpha trioxymethylene (for example, Trioxane®).

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

§ 373.18 [Deleted]

Section 373.18 *Sugar, beet and cane* is deleted.

PART 377—TIME LIMIT (TL) LICENSE

Section 377.2 is revised to read as follows:

§ 377.2 Commodities subject to TL license.

The commodities which may be exported under the time limit licensing procedure are all RO commodities on the Positive List of Commodities (§ 399.1), except:

(a) Complete aircraft, either assembled or knocked down; [1]

(b) Walnut logs, bolts, and hewn timber, Schedule B No. 40040; and

(c) Walnut lumber, furniture stock, and hardwood small dimension stock listed on the Positive List under Schedule B Nos. 40978, 41355, and 41390.

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Section 379.1(a) is revised to read as follows:

[1] See paragraph 379.1(d) regarding the requirement of a Shipper's Export Declaration for certain exportations to Canada.

[1] The provisions of this paragraph (f) do not apply to any commodity to be used in replacing any part or equipment which is worn out from normal use or which is being replaced in order to obtain any part or equipment incorporating improved design or technology.

[1] Applicants who propose to export a complete aircraft, either assembled or knocked down, must apply for an individual validated license for the aircraft. However, a Time Limit (TL) License may be used, where applicable, to export related parts, accessories, or components for the aircraft.

§ 379.1 General export clearance requirements.

(a) *Exportations by water or air carrier.* No person including a carrier shall load or carry onto or permit the loading or carrying onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *For shipments requiring a validated export license:* A validated license therefor has been presented to the Collector; a related duly executed shipper's export declaration [1] in the requisite number of copies covering such commodity or technical data has been presented to, and authenticated by the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.[2]

(2) *For shipments under a general license.* A duly executed declaration, in the requisite number of copies, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector; and a copy of the authenticated declaration has been returned to the person presenting it and such person has delivered it to the carrier.[2] Where the filing of a declaration is not required, an oral declaration describing the commodity or technical data about to be exported and identifying the applicable general license shall be made to the Collector at the port of exit

* * * * *

Section 379.3 (c) (3) is revised to read as follows:

§ 379.3 Presentation of shipper's export declaration.

* * * * *

(c) *Number of copies to be presented*

* * * *

(3) *Additional copies of Declaration.* The Office of Export Control, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Foreign Trade Statistics Regulations, an additional copy of the Declaration shall be presented for exportations described in subdivisions (i), (ii), (iii), (iv), or (v) of this subparagraph.

(i) Exportations made under a Project License. (See paragraph 374.9(c)(2).)

(ii) Exportations from the United States to foreign countries made via Canada.

(iii) Exportations of any agricultural commodity moving under a validated license to a Subgroup A destination. The additional copy shall bear in the upper right corner the notation, "8520."

(iv) Exportations of walnut veneers classified under Schedule B Nos. 42162 and 42166. The additional copy shall bear in the upper right corner the notation "BDSA 303."

(v) Exportations of any commodity to replace any defective or unacceptable part or equipment under the provisions of General License GLR. The additional copy shall bear in the upper right corner the notation "8542."

* * * * *

[1] Shipper's Export Declaration Form 7525–V may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, local Collectors of Customs, and United States Department of Commerce Field Offices (see list on page i). Price of the form is $1.00 for a pad of 100.

[2] An authenticated copy of the Shipper's Export Declaration must be delivered to the exporting carrier under the provisions of § 30.14 of the Foreign Trade Statistics Regulations of the Bureau of the Census (15 CFR 30.14).

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Section 380.2 (c) and (d) (4) and (5) are revised to read as follows:

§ 380.2 Amendments or alterations of licenses.

* * * * *

(c) *Changes requiring a new license application.* Except for changes to a Project License, changes of the following types will be deemed to be of such substance as to constitute an essentially new transaction and therefore require a new application for an export license:

(1) Country of ultimate destination.

(2) Ultimate consignee (except as indicated in paragraph (d)(2) of this section).

(3) Commodity to be exported.

(4) Increase in the quantity or vlaue of a Periodic Requirements License during the last six months of the validity period of the license (see § 376.7).

(d) *Changes by amendment.* * * *

(4) Increase in quantity or price (see paragraph (j) of this section).[1]

(5) Extension of the validity period of the license (see § 380.4).[2]

* * * * *

(Sec. 3, 63 Sta. 7; 50 U.S.C. App. 2023; E. O. 10945, 26 F.R. 4487; E. O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64–10853; Filed, Oct. 23, 1964; 8:47 a.m.]

[9th Gen. Rev. of Export Regs., Amdt. P.L. 50]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

The following revisions, effective as specified, are hereby made to § 399.1 *Positive List of commodities.*

A. *Addition.* Effective 12:01 a.m., October 15, 1964, the following commodity is added to the Positive List of Commodities requiring validated licenses for exportation to all destinations in Country Groups R and O. Exporters are advised that only the item listed below opposite the specific Schedule B number is added to the Positive List. The unnumbered captions serve only to identify the broad categories of commodities within which the numbered addition is to be found in Schedule B.

Dept. of Commerce Schedule B No.	Commodity description	Unit	Processing code and related commodity group	GLV dollar value limits for "R" destinations*	Validated license required	Commodity lists
	METAL MANUFACTURES					
	Metal manufactures, n.e.c., and parts, n.e.c.:					
	Metal manufactures, n.e.c., and parts, n.e.c., except iron and steel and except precious metals:					
61995	Woven wire mesh or cloth composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter.	Sq. ft.	FINP 4	None	RO	E–8

*See § 371.10 for dollar-value limit of shipments under General License GLV to Group "R" and Group "O" Destinations.

B. *Deletion.* Effective 12:01 a.m. October 15, 1964, the following commodity is removed from the Positive List and placed on general license to all destinations except Hong Kong, Macao, Subgroup A destinations, and Cuba. Exporters are advised that only the item listed below opposite the specific Schedule B Number is removed from the Positive List. The unnumbered caption serves only to identify the broad category of commodities within which the numbered deletion is to be found in Schedule B.

Dept. of commerce schedule B No.	Commodity description
	SUGAR AND RELATED PRODUCTS
16190	Sugar, beet and cane.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

FORREST D. HOCKERSMITH,
Director, Office of Export Control.

[F.R. Doc. 64–10854; Filed, Oct. 23, 1964; 8:47 a.m.]

[1] This item does not apply to a Periodic Requirements License during the last six months of the validity period of the license (see § 376.7).

[2] This item does not apply to the Periodic Requirements License.

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 733—DECORATIONS AND AWARDS

Scope and purpose. Part 733 contains regulations set forth in the Navy and Marine Corps Awards Manual (Secretary of the Navy Instruction P1650.1C).

Part 733 is inserted to read as follows:

Subpart A—General Information

Sec.
733.11 Purpose.
733.12 Objectives.
733.13 Issuance of awards.
733.14 Personnel eligible.
733.15 Replacement of awards.
733.16 Wearing of awards.
733.17 Precedence of military awards.

Subpart B—Military Decorations

733.21 General.
733.22 Recommendations.
733.23 Limitations.
733.24 Delegation of authority.
733.25 Presentation of medals and citations.
733.26 Awards to U.S. Army and U.S. Air Force personnel.
733.27 Awards to U.S. Navy personnel from other U.S. Armed Forces.
733.28 Military awards to civilians.
733.29 Requirements.

Subpart C—Unit Awards

733.31 Definition.
733.32 Precedence.
733.33 Attachments.
733.34 Insignia for ships and units.
733.35 Recommendations.
733.36 Limitations.
733.37 Requirements.

Subpart D—United States Nonmilitary Decorations

733.41 Definition.
733.42 Precedence.
733.43 Attachments.
733.44 Issue and replacement.
733.45 Recommendations.

Subpart E—Campaign and Service Awards

733.51 Definition.
733.52 Precedence.
733.53 Attachments.
733.54 Distribution.
733.55 Limitations.
733.56 Applications.
733.57 Requirements.

Subpart F—Foreign Awards and Non-U.S. Service Awards to U.S. Personnel

733.61 Definitions.
733.62 Precedence.
733.63 Attachments.
733.64 Issue and replacement.
733.65 Foreign awards.
733.66 Non-U.S. service awards.
733.67 Foreign unit awards.
733.68 Distribution.
733.69 Requirements.

Subpart G—United States Awards to Foreign Personnel

733.71 Definition.
733.72 Decorations awarded to foreign personnel.
733.73 Unit awards and service medals.
733.74 Precedence and method of wearing.
733.75 Recommendations.
733.76 Limitations.
733.77 State Department coordination and government clearances.
733.78 Presentation of awards.
733.79 Requirements.

Subpart H—Marksmanship Awards

733.81 Definition.
733.82 Precedence.
733.83 Attachments.
733.84 Issue and replacement.
733.85 Administrative procedures and requirements.

AUTHORITY: The provisions of this Part 733 issued under R.S. 161, secs. 1121, 5031, 6241–6255, 70A Stat. 88, 278, 389–391, as amended; 5 U.S.C. 22, 10 U.S.C. 1121, 5031, 6241–6255. Additional authority is cited in the sections affected.

Subpart A—General Information

§ 733.11 Purpose.

This part sets forth information and regulations concerning all current awards available to individuals and units in the naval service.

§ 733.12 Objectives.

Military decorations and awards are bestowed for the purpose of publicly recognizing and rewarding extraordinary, exceptionally meritorious, or conspicuously outstanding acts of heroism and other acts or services which are above and beyond that normally expected and which distinguished the individual or unit among those performing similar acts or services.

§ 733.13 Issuance of awards.

(a) The large medal of a decoration, with ribbon bar, lapel button (or in the case of the Medal of Honor, the rosette), and all attachments, together with any accompanying citation or certificate, are issued by the Chief of Naval Personnel or the Commandant of the Marine Corps as appropriate, to the individual recipient, or to the presenting authority. Only the decoration and citation will be issued to the next of kin of deceased personnel, or to the presenting authority. In time of war or national emergency, issuance to living personnel of all medals except the Medal of Honor may be delegated to commands in the field. (See § 733.25 relative to presenting authorities and presentation ceremonies.)

(b) The large medal of a campaign or service award is issued to the recipient or his next of kin by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(c) Ribbon bars and accompanying citations for the Presidential Unit Citation and the Navy Unit Commendation are issued by the Chief of Naval Personnel and the Commandant of the Marine Corps, as appropriate. The Marine Corps Reserve Ribbon is issued by the Commandant of the Marine Corps.

(d) Miniature medals for both decorations and campaign/service medals, and ribbon bars and lapel buttons for campaign/service medals, are not issued by the Chief of Naval Personnel or the Commandant of the Marine Corps to U.S. personnel, but may be purchased by those who earned them from commercial sources, ship's stores, or Navy/Marine Corps exchanges. Miniature medals are issued for decorations awarded to foreign nationals.

(e) The official next of kin in order of precedence is: widow, eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

§ 733.14 Personnel eligible.

(a) Anyone who meets the eligibility criteria for an award may be recommended for it by any officer senior to the individual being recommended.

(b) In determining eligibility, the terms "naval service" and "serving in any capacity with the U.S. Navy", as used in this part, include service in the U.S. Marine Corps and service in the U.S. Coast Guard when the Coast Guard operates as a part of the Navy. The terms also include service in Reserve components. Reserve personnel are eligible to earn any award which regular personnel may earn, provided they fulfill all requirements. The acts or services which are to be recognized, however, must be in connection with membership in Reserve components or directly related to attendance on military duty.

(c) U.S. Naval Academy midshipmen are considered to be on active duty and are therefore eligible for those awards for which they may qualify.

(d) NROTC midshipmen are not eligible for awards for periods spent as full-time college students, but when serving on active duty they may earn awards for which they qualify.

(e) Merchant Marine Reserve service is creditable only when such service is concurrent with U.S. Naval Reserve service.

§ 733.15 Replacement of awards.

(a) Large medals may be replaced upon application to the Chief of Naval Personnel or the Commandant of the Marine Corps (Code DL), as appropriate. If the medal has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was awarded, it shall be replaced without charge.

(b) Large medals may be replaced at the expense of the individual if not entitled to replacement without charge, upon application to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, enclosing a check made out in the proper amount to the Bureau of Naval Personnel or the Commandant of the Marine Corps (Code DL). (For Marine Corps personnel see also paragraph 8151, Marine Corps Personnel Manual.) The prices of medals, which are subject to change, will be publicized from time to time by directives and by various news media.

(c) Ribbon bars for the Presidential Unit Citation, Navy Unit Commendation, and Marine Corps Reserve Ribbon which have been lost or damaged, will be replaced in the same manner as large medals (paragraph (b) of this section).

(d) Miniature medals, ribbons, rosettes, lapel buttons, and attachments will be replaced at the expense of the individual from commercial sources, ship's stores, or Navy/Marine Corps exchanges.

§ 733.16 Wearing of awards.

Recipients of awards are authorized to wear them in accordance with the provisions of this part, the Navy and Marine Corps Awards Manual, and the applicable provisions concerning awards contained in the U.S. Navy Uniform Regulations and the U.S. Marine Corps Uniform Regulations. Discharged and retired personnel who have earned awards not listed in this part may wear them in accordance with the regulations in effect at the time of their discharge or retirement. When naval personnel have earned awards from other armed forces, regulations pertinent to naval personnel shall govern the manner in which these awards shall be worn. In the event naval personnel serve with a unit of another armed force, and that unit has been cited, such naval personnel may wear the emblem permanently if they served with the unit during the cited period, but may not wear it even while attached if they joined the unit subsequent to the cited period. In other words, they shall be governed by Navy regulations rather than by the regulations of the other armed force.

§ 733.17 Precedence of military awards.

The precedence of military decorations, medals, ribbons, and badges (both obsolete and current) authorized for personnel of the United States Navy and Marine Corps is as follows:

1. Medal of Honor
2. Navy Cross
3. Distinguished Service Medal
4. Silver Star Medal
5. Legion of Merit
6. Distinguished Flying Cross
7. Navy and Marine Corps Medal
8. Bronze Star Medal
9. Air Medal
10. Joint Service Commendation Medal
11. Commendation Medal
12. Secretary of the Navy Commendation for Achievement Medal
13. Purple Heart
14. Specially Meritorious Medal
15. Presidential Unit Citation
16. Navy Unit Commendation
17. (Non-Military Decorations—see subpart D)
18. Reserve Special Commendation Ribbon
19. Good Conduct Medals (Navy and Marine Corps)
20. Naval Reserve Medal
21. Naval Reserve Meritorious Service Medal
22. Organized Marine Corps Reserve Medal
23. Dewey Medal
24. Sampson Medal
25. Peary Polar Expedition Medal
26. NC–4 Medal
27. Byrd Antarctic Expedition Medal (1928–30)
28. Second Byrd Antarctic Expedition Medal (1933–35)
29. United States Antarctic Expedition Medal (1939–41)
30. Civil War Medal
31. Expeditionary Medals (Navy and Marine Corps)
32. Spanish Campaign Medal
33. Philippine Campaign Medal
34. China Relief Expedition Medal
35. Cuban Pacification Medal
36. Mexican Service Medal
37. Haitian Campaign Medal (1915)
38. Dominican Campaign Medal
39. Victory Medal (World War I)
40. Haitian Campaign Medal (1919–20)
41. Second Nicaraguan Campaign Medal
42. Yangtze Service Medal
43. China Service Medal (1937–39)
44. American Defense Service Medal
45. Area Campaign Medals
    a. American Campaign Medal
    b. European-African-Middle Eastern Campaign Medal
    c. Asiatic-Pacific Campaign Medal
46. Victory Medal (World War II)
47. Medal for Humane Action
48. Navy Occupation Service Medal
49. China Service Medal (extended, 1945–57)
50. National Defense Service Medal
51. Korean Service Medal
52. Antarctica Service Medal
53. Armed Forces Expeditionary Medal
54. Armed Forces Reserve Medal
55. Marine Corps Reserve Ribbon
56. (Foreign Decorations—see subpart F)
57. United Nations Service Medal (Korean Conflict)
58. United Nations Medal (Observer Groups)
59. Philippine Defense Ribbon
60. Philippine Liberation Ribbon
61. Philippine Independence Ribbon
63. Korean Presidential Unit Citation
62. Philippine Presidential Unit Citation
64. Viet-Nam Presidential Unit Citation
65. (Small Arms Marksmanship Medals and Badges—see subpart H).

NOTE 1: The awards numbered 1–29 and 50–55 are arranged or worn in their order of precedence as shown. The awards numbered 30–49 have no precedence, as such, among themselves but are chronologically shown in the foregoing list on the basis of the date of their original establishment; they are worn by the individual, however, in the order in which they are earned, and their precedence for an individual member is so determined. For precedence of the awards numbered 56–64 and 65, see §§ 733.62 and 733.82, respectively.

NOTE 2: Awards comparable to the above which are issued to Navy and Marine Corps personnel by the other Military Services of the United States and which are not included in the foregoing list shall be worn in the order specified by the respective Service except that, in all cases of relative priority, Navy and Marine Corps awards take precedence.

Subpart B—Military Decorations

§ 733.21 General.

(a) *Definition.* A military decoration is an award bestowed on an individual for a specific act or acts of gallantry or meritorious service.

(b) *Precedence.* Military decorations take precedence over all other awards. The precedence of Navy decorations is indicated by entries 1–13 of § 733.17.

(c) *Attachments*—(1) *Gold star.* A gold star 5/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of all naval decorations to denote each subsequent award of that decoration. (Exception is a subsequent award of a Purple Heart posthumously. In such cases, a medal is issued to the official next of kin even though a medal was previously issued to the individual.)

(2) *Silver star.* A silver star 5/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of all naval decorations in lieu of five gold stars. (A silver star therefore represents the sixth award of the same decoration.)

(3) *Combat distinguishing device.* The bronze letter "V" is authorized for wear on the suspension ribbon of the medal and the ribbon bar of the following decorations if the award is for acts or services involving direct participation in combat operations:

(i) Legion of Merit.
(ii) Bronze Star Medal.
(iii) Navy Commendation Medal.

Only one combat distinguishing device may be worn on a single ribbon.

§ 733.22 Recommendations.

(a) *Initiating officer.* Recommendations for the award of military decorations may be initiated by any officer senior to the individual being recommended, and will be submitted as promptly as practicable after the performance of the act(s) or the termination of the service(s) to which the recommendations refer. In the event a recommendation is originated by an officer other than the commanding officer of the individual concerned, the recommendation should be forwarded to the commanding officer for comment and/or recommendation prior to forwarding via the chain of command.

(b) *Chain of command.* (1) Except when awarding authority has been delegated (see § 733.24), all recommendations for decorations (except the Purple Heart) shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) as follows:

(i) For personnel attached to the Operating Forces of the Navy, recommendations shall be forwarded via the appropriate Fleet Commander in Chief and the Chief of Naval Operations, with copies provided to commanders of intermediate echelons. In cases concerning Marine Corps personnel, recommendations shall be forwarded via the Commandant of the Marine Corps before transmittal to the Chief of Naval Operations. Commanders receiving information copies of the recommendations may provide comments, if desired, to the Fleet Commander in Chief. Such comments will be submitted in sufficient time to insure receipt by the Fleet Commander in Chief within 15 days of the date of the original recommendation, utilizing electrical means, if necessary. Nonreceipt within this period of time will be interpreted to indicate concurrence in the basic recommendation. Submission of comments will most likely be appropriate only in those cases where there is disagreement with the original recommendation.

(ii) For personnel not assigned to the Operating Forces, recommendations shall be forwarded via the administrative chain of command (including the Commandant of the Marine Corps where appropriate) and the Chief of Naval Operations.

(iii) See § 733.35(a) for chain of command for unit award recommendations.

(2) Recommendations for the Purple Heart shall be forwarded directly to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, without reference to the chain of command.

(3) After action by the Board of Decorations and Medals on recommendations for the Medal of Honor, Navy Cross, Distinguished Service Medal, and unit

awards, the recommendations shall be transmitted to the Secretary of the Navy via the Chief of Naval Operations. Recommendations for all other decorations will be forwarded by the Board directly to the Secretary of the Navy.

(4) Disapproval of a recommendation by an officer subordinate to the commander or military department having authority to award a decoration will not alone constitute authority for the return of the recommendation o the initiator. All recommendations shall be forwarded, with appropriate endorsements.

(c) *General requirements for recommendations.* Recommendations (except for the Purple Heart) will meet the following conditions:

(1) Be based upon known facts and include, if practicable, the incontestable testimony of at least two eye-witnesses.

(2) Contain a complete, concise description of the act(s) or service(s) including date(s) and exact information concerning the status of the person recommended at the time the act(s) or service(s) was (were) performed.

(3) Be in such detail that the awarding authority may determine whether the act(s) or service(s) meets (meet) the requirements for the award.

(4) Be accompanied by a proposed citation. No classified information may be included in the proposed citation, even though the recommendation which it accompanies may contain classified information.

(5) Furnish the full name, grade/rate, service number, and branch of service of the individual being recommended.

(6) Furnish reporting date and/or date of detachment of the individual, if known.

(7) Furnish information on previous awards made to the individual, if known.

(8) When more than one person is involved, a statement will be made to that effect. The statement shall include the name, grade/rate, and service number of the other individual(s) participating in the act or achievement, whether or not it is intended to recommend them for an award, and when the recommendation may be expected. Where feasible, all such recommendations should be submitted simultaneously in order that each may be evaluated in its proper perspective.

Recommendations for the Purple Heart should be brief, including a statement as to how the wound/injury was incurred and certification that it was the result of an act of the enemy or of an opposing armed force. Full name, service number, grade/rate, and date of wound or injury should be included. A proposed citation is not necessary.

(d) *Additional requirements for heroism awards.* In addition, recommendations for awards to persons rescuing or endeavoring to rescue any other person from fire, drowning, shipwreck, or other perils of the water, or for any other act of heroism, should contain the following:

(1) Testimony of at least two eye-witnesses. Such eye-witness statements should furnish accounts of the incident, including opinions as to whether the person for whom the award is sought imperiled his or her own life.

(2) The precise locality of the rescue or attempted rescue, or heroic action.

(3) The date, time of day, nature of the weather, including force of the wind, condition and temperature of the water if applicable, and amount and source of light if at night.

(4) The names of all persons rendering assistance and the nature of the assistance.

(5) A freehand sketch of the scene, including distances, location of assistance and heights of piers or vessels from which rescue efforts were started, as applicable.

(6) A statement as to the swimming qualifications of the rescuer if applicable. (See article D–2502, Bureau of Naval Personnel Manual, for Navy personnel; and Marine Corps Order 1510.2 series for Marine Corps personnel.)

(7) An account of the cooperation or lack thereof on the part of the person being rescued.

(8) A rescue from burning should be described in great detail, including the aid received by the rescuer, the extent of the burns, and a description of the outer clothing of the rescuer.

Recommendations should include the above, but should not necessarily be limited to that information.

§ 733.23 Limitations.

(a) *Time limits*—(1) *Submission of recommendations.* Subject to statutory provisions, recommendations for all military decorations except the Distinguished Flying Cross and the Purple Heart must be submitted within three years from the date of the act or service and the award must be approved within five years thereof. Recommendations for the Distinguished Flying Cross must be submitted within two years of the service and the award must be approved within three years thereof. Time limits do not apply to the Purple Heart.

(2) *Lost recommendations.* When a recommendation has been initiated and placed in official channels within the time limits prescribed and has become lost, the certificate of an officer to that effect, accompanied by a copy of the original recommendation or, if a copy is not available, a statement of the substance of the original recommendation may be submitted to the Secretary of the Navy (Navy Department Board of Decorations and Medals), and the case will be considered on its merits.

(b) *Reconsideration of disapproved recommendations.* When a recommendation for an award has been considered by the authority delegated to bestow it and has been disapproved, it may be reconsidered only upon presentation of new material, and relevant evidence which was not available at the time of the original recommendation.

(c) *Limitation of medals*—(1) *Award and issuance.* Only one of the authorized decorations shall be awarded to an individual for a given act or service. No two medals or ribbons of the same decoration will be issued to an individual. For each subsequent act or service which is deemed to justify another award of the same decoration, a gold star will be issued in lieu thereof to be worn upon the accompanying ribbon. (Exception is a subsequent award of a Purple Heart posthumously. In such cases, a medal is issued to the official next of kin even though a medal was previously issued to the individual.)

(2) *Medals for individual acts vs unit awards.* Bestowal of a unit award on a group of individuals in no way limits the eligibility of an individual in that group for a military decoration for acts or services performed during the same period covered by the unit's citation.

(d) *Character of service.* Eligibility of any person for a military decoration shall be determined by his status at the time the act or service was performed, but no decoration shall be awarded or presented to anyone whose service subsequent to the time he distinguished himself shall have been such as to merit a discharge under other than honorable conditions.

§ 733.24 Delegation of authority.

The Medal of Honor will be awarded only with the approval of the President of the United States. All other Navy Department decorations for which authority is not delegated will be awarded by the Secretary of the Navy. At present, with the exception of the Purple Heart and the Air Medal, no authority to make awards is delegated by the Secretary of the Navy. The Chief of Naval Personnel and the Commandant of the Marine Corps are delegated authority to award the Purple Heart.

§ 733.25 Presentation of medals and citations.

(a) *Ceremony and publicity.* Presentation of military decorations shall be made as soon as practicable after approval of the award and shall be made with appropriate ceremony. These presentations should be publicized through appropriate news media when security considerations permit.

(b) *Medal of Honor*—(1) *Presenting authority for living recipients.* If the recipient is within a reasonable distance, he will be ordered to Washington, D.C., and the presentation of the medal and citation will be made by the President or by the Secretary of the Navy as the President's personal representative. Otherwise, the presentation will be made by the senior officer present, bearing in mind that this occasion demands that the presenting officer be the highest ranking individual it is possible to obtain.

(2) *Presenting authority for posthumous awards.* If the award is posthumous and the next of kin is in the vicinity of Washington, D.C., or signifies a desire to be present there, the President or the Secretary of the Navy, as practicable, will present the Medal of Honor and citation to such next to kin as the representative of the deceased. Otherwise, in the case of Navy personnel, the Chief of Naval Personnel will forward the Medal of Honor and citation to the Commandant of the Naval District within which the next of kin resides, to arrange such suitable presentation as is consistent with the occasion, the exigencies of the service, and the desires of the next of kin. In the case of Marine Corps per-

sonnel, the Commandant of the Marine Corps will make arrangements for the presentation of the award in accordance with the wishes of the next of kin.

(c) *All other awards.* The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will make arrangements in accordance with their established policies for presentation or delivery of the medal and citation/certificate to the recipient or, in the case of a posthumous award, to his next of kin. If the award is presented outside the vicinity of Washington, it shall be presented by the senior officer present or the unit commander.

(d) *Permanent citations and certificates.* (1) The citation for the Medal of Honor is signed by the President in the name of Congress.

(2) The Secretary of the Navy will sign in the name of the President permanent citations for all other decorations to members of the naval service except Navy Commendation Medals, Secretary of the Navy Commandations for Achievement, and Purple Hearts. He will sign in his own name the permanent citations for all Navy Commendation Medals and Secretary of the Navy Commendations for Achievement.

(3) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will sign in the name of the President certificates for Purple Hearts.

§ 733.26 Awards to U.S. Army and U.S. Air Force personnel.

(a) *Recommendations.* Recommendations for Navy decorations to Army or Air Force personnel will be submitted to the Secretary of the Navy via the Army or Air Force Chief of Staff as applicable.

(b) *Limitations.* (1) Army and Air Force personnel are eligible to receive from the U.S. Navy any of the military decorations listed (§§ 733.17, 733.21) except the Medal of Honor.

(2) Army and Air Force personnel will not be awarded a Navy decoration for services which have already been recognized by an Army or Air Force decoration.

§ 733.27 Awards to U.S. Navy personnel from other U.S. Armed Forces.

Personnel of the Navy and Marine Corps serving with other branches of the Army Forces are authorized to accept awards tendered by such other Services provided they are not given for the same act or service for which a previous award has been made by the Navy.

§ 733.28 Military awards to civilians.

(a) *Recommendations.* The recommendation for an award of a military decoration to a civilian shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) via the administrative chain of command and the Chief of Naval Operations.

(b) *Limitations.* The laws governing the award of certain decorations provide that they may be awarded to any person who, while serving in any capacity with the naval service, qualify therefor under certain conditions. This would include civilians. By such criteria, the following are decorations for which civilians could qualify: Navy Cross, Distinguished Service Medal, Silver Star Medal, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Navy Commendation Medal, and Purple Heart. However, civilians are not normally awarded military decorations. When U.S. nonmilitary decorations are available for specific services rendered, they are considered more appropriate for award to civilians than military decorations. The only exception is the Purple Heart, which may be awarded to war correspondents, Red Cross personnel, and such others as may be designated, who are American citizens, and who meet the requirements for such award while serving with the Armed Forces in such civilian capacity. The Distinguished Service Medal will not be awarded to a civilian without the specific approval of the President.

§ 733.29 Requirements.

The authorization, eligibility requirements, and special provisions for all military decorations authorized for issue to U.S. naval personnel by the Department of the Navy are as listed in this section.

(a) *Medal of Honor*—(1) *Authorization.* 10 U.S.C. 6241, amended by the Act of July 25, 1963 (77 Stat. 93).

(2) *Eligibility requirements.* Awarded by the President in the name of Congress to a person who, while a member of the naval service, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

There must be no margin of doubt or possibility of error in awarding this honor. To justify the decoration, the individual must clearly render himself conspicuous above his comrades by an act so outstanding that it clearly distinguishes his gallantry beyond the call of duty from lesser forms of bravery; and it must be the type of deed which if not done would not subject him to any justified criticism. The deed must be without detriment to the mission of his command or to the command to which attached.

(b) *Navy Cross*—(1) *Authorization.* 10 U.S.C. 6242, amended by the Act of July 25, 1963 (77 Stat. 94).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by extraordinary heroism not justifying the award of a Medal of Honor—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

To warrant this distinctive decoration, the act or the execution of duty must be performed in the presence of great danger or at great personal risk and must be performed in such a manner as to render the individual highly conspicuous among others of equal grade, rate, experience, or position of responsibility. An accumulation of minor acts of heroism does not justify the award. The high standards demanded must be borne in mind when recommending the award.

(c) *Distinguished Service Medal*—(1) *Authorization.* 10 U.S.C. 6243.

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility. To justify this decoration, an exceptional performance of duty, clearly above that normally expected, which has contributed materially to the success of a major command or project, is required. In general, the Distinguished Service Medal will be awarded only to those officers in principal commands at sea whose service is such as to justify the award. However, this shall not be interpreted to preclude the award of the Distinguished Service Medal to any individual whose service meets the requirements. If there is any doubt as to the degree of service involved, the Legion of Merit is the more appropriate award.

(d) *Silver Star Medal*—(1) *Authorization.* 10 U.S.C. 6244, amended by the Act of July 25, 1963 (77 Stat. 94).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps, is cited for gallantry in action that does not warrant a Medal of Honor or Navy Cross—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

The heroic act(s) performed must render the individual conspicuous and well above the standard expected. An accumulation of minor acts of heroism normally does not justify the award, but unusual or exceptional cases will be decided on their merits.

(e) *Legion of Merit*—(1) *Authorization.* 10 U.S.C. 1121.

(2) *Eligibility requirements.* Awarded to a member of the armed forces of the United States or of a friendly foreign nation who distinguishes himself by exceptionally meritorious conduct in performing outstanding service.

(i) *For United States military personnel.* This award will be made to United States military personnel without reference to degree and, for each such award, the Legion of Merit (Legionnaire) will be issued. To justify this decoration, the service rendered

must have been comparable to that required for the Distinguished Service Medal but in a duty of lesser though considerable responsibility. In general, the Legion of Merit will be awarded to officers in lesser commands at sea or principal commands on shore who have performed such exceptionally meritorious service as to justify the award of the Distinguished Service Medal except as to degree of merit. However, this should not be interpreted to preclude the award of the Legion of Merit to any individual, regardless of grade or rate, whose acts or services meet the requirements. When the degree of achievement or service rendered, although meritorious, is not sufficient to warrant the award of the Legion of Merit, the Bronze Star Medal, the Navy Commendation Medal, or the Secretary of the Navy Commendation for Achievement Medal, where appropriate, should be considered in that order.

(ii) *For foreign military personnel.* See subpart G.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(f) *Distinguished Flying Cross*—(1) *Authorization.* 10 U.S.C. 6245.

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the U.S. Navy or the U.S. Marine Corps, distinguishes himself by heroism or extraordinary achievement while participating in aerial flight. To justify this decoration for heroism, an act in the face of great danger, well above normal expectations, such as to distinguish the individual above those of comparable grade or rate performing similar services, is required; for achievement, the results accomplished must be so exceptional as to render the individual conspicuous among those of comparable grade or rate performing similar services.

(g) *Navy and Marine Corps Medal*—(1) *Authorization.* 10 U.S.C. 6246.

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the U.S. Navy or the U.S. Marine Corps, shall have distinguished himself by heroism not involving actual conflict with the enemy. For acts of life-saving, or attempted life-saving, its requirements parallel those of the Gold Life Saving Medal; namely, for extreme and heroic daring at the risk of one's own life. This award may also be considered for any individual who, prior to August 7, 1942, received a letter of commendation for heroism from the Secretary of the Navy, regardless of the date of the act of heroism, provided he makes application therefor. (Members of the armed forces should not be recommended for the Treasury Department Life-Saving Medals unless a military decoration is considered wholly inappropriate. Normally, members of the naval service are awarded the Navy and Marine Corps Medal for outstanding heroic acts in saving or attempting to save a life. For a lesser degree of heroism, a Commendation Medal is considered the appropriate award.)

(h) *Bronze Star Medal*—(1) *Authorization.* Executive Order 11046, August 24, 1962 (27 F.R. 8575).

(2) *Eligibility requirements.* Awarded to any person who, while serving in any capacity with the Armed Forces of the United States, distinguishes himself after December 6, 1941, by heroic or meritorious achievement or service, not involving participation in aerial flight—

(i) While engaged in an action against an enemy of the United States;

(ii) While engaged in military operations involving conflict with an opposing foreign force; or

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

To justify this decoration, accomplishment or performance of duty above that normally expected, and sufficient to distinguish the individual among those performing comparable duties, is required, although less than the requirements for the Silver Star or the Legion of Merit. Minor acts of heroism in actual combat, single acts of merit or meritorious service in connection with military or naval operations under the conditions listed in subdivision (i), (ii) or (iii) of this subparagraph may justify this award.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(i) *Air Medal*—(1) *Authorization.* Executive Order 9158, May 11, 1942 (7 F.R. 3541), amended by Executive Order 9242A, September 11, 1942 (7 F.R. 7874).

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Armed Forces of the United States distinguishes himself by heroic/meritorious achievement while participating in aerial flight subsequent to September 8, 1939. To justify this award, the achievement must have been accomplished with distinction.

(j) *Joint Service Commendation Medal*—(1) *Authorization.* Department of Defense Directive 1348.14 of June 25, 1963.

(2) *Eligibility requirements.* Awarded in the name of the Secretary of Defense to members of the Armed Forces who, after January 1, 1963, distinguish themselves by meritorious achievement or service while serving in any of the following Joint Activities assignments:

(i) Office of the Secretary of Defense.

(ii) Organization of the Joint Chiefs of Staff.

(iii) Defense Supply Agency.

(iv) National Security Agency.

(v) Other Department of Defense agencies or joint activities reporting through the Joint Chiefs of Staff.

(vi) Headquarters, unified and specified commands.

(vii) Headquarters of joint task forces, joint commands or control groups reporting through the Joint Chiefs of Staff, unified, specified, or subordinate joint commanders, to include service components assigned to a joint command for exercise purposes (e.g., U.S. Strike Command).

(viii) Other joint activities reporting to commanders of unified or specified commands (e.g., Military Assistance Advisory Groups or Joint Missions).

(ix) Jointly manned staffs within Allied Command Europe and Allied Command Atlantic, and military agencies associated with the functions of the Standing Group, NATO.

The required achievement or service, while of lesser degree than that required for award of the Legion of Merit, must nevertheless have been accomplished with distinction.

(k) *Navy Commendation Medal*—(1) *Authorization.* ALNAV 11 of January 11, 1944, authorized the Navy Commendation Ribbon, and on March 22, 1950, the Secretary of the Navy established the Metal Pendant for this award. On September 21, 1960, the Secretary of the Navy changed the name of the award to Navy Commendation Medal. On June 1, 1962, the President of the United States authorized this award to be made to personnel of the armed forces of friendly foreign nations.

(2) *Eligibility requirements.* Awarded to a person who, while serving in any capacity with the Navy or Marine Corps (including foreign military personnel), distinguishes himself after December 6, 1941, by heroic or meritorious achievement or service. To merit this award, the acts or services must be accomplished or performed in a manner above that normally to be expected and sufficient to distinguish the individual above those of comparable grade or rate performing similar services, as set forth in the following subdivisions:

(i) *For acts of heroism.* Worthy of special recognition but not to the degree required for the Bronze Star Medal when combat is involved; or the Navy and Marine Corps Medal when combat is not involved.

(ii) *For meritorious achievement.* Outstanding and worthy of special recognition, but not to the degree required for the Bronze Star Medal or Air Medal when combat is involved; or the Legion of Merit, Bronze Star Medal, or Air Medal when combat is not involved. The achievement should be such as to constitute a definite contribution to the naval service, such as an invention, or improvement in design, procedure, or organization.

(iii) *For meritorious service.* Outstanding and worthy of special recognition but not to the degree required for the Bronze Star Medal or Air Medal when combat is involved; or the Legion of Merit, Bronze Star Medal, or Air Medal when combat is not involved. The award may cover an extended period of time during which a higher award may have been recommended or received for specific acts. The criteria, however, should not be the period of service involved, but rather the circumstances and conditions under which the service was performed. The performance should be well above that usually expected of an individual commensurate with his grade or rate, and above that degree of excellence which can be ap-

propriately reflected in the individual's fitness report or personnel record.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(l) *Secretary of the Navy Commendation for Achievement Medal.* Awarded to enlisted and commissioned members of the Navy and Marine Corps, including members of Reserve components, of the grade of lieutenant commander/major and junior thereto, for service performed on or after May 1, 1961. It may also be awarded to members of other branches of the Armed Forces of comparable grade or rate when attached to, or serving with, units of the Department of the Navy. The award shall be given to officers for professional achievement, and to enlisted personnel for professional achievement and/or leadership, of such merit as to warrant a more tangible recognition than is possible by a fitness report or evaluation sheet but not warranting a Navy Commendation Medal or higher award.

(1) Professional achievement (of officers or enlisted members) which merits the award must—

(i) Clearly exceed that which is normally required or expected, considering the individual grade or rate, training, and experience.

(ii) Be an important contribution, which is beneficial to the United States and the Navy.

(2) Leadership achievement (by enlisted members only) which merits the award must—

(i) Be noteworthy.

(ii) Be sustained so as to demonstrate a high state of development rather than a short period of achievement.

(iii) Reflect most creditably on the efforts of the individual and the accomplishment of the mission of the unit.

(3) Guidance in interpretation of criteria: In order that there may be some clarification of the two bases for the award, the following interpretations are furnished:

(i) *Specific achievement (officers and enlisted).* Specific achievement in some tangible contribution as, for example, an invention or a new procedure. Its benefit to the Navy must be clearly demonstrable and in some instances its effect can be appraised in dollars. An award for specific achievement is not dependent on nor necessarily related to overall outstanding performance of regular duties. Whether a Secretarial award is warranted for specific achievement can largely be determined from the extent of the beneficial effect of the achievement. If it is of recognizable and demonstrable benefit to the Navy as a whole, it is appropriate for recognition by the Secretary of the Navy.

(ii) *Leadership achievement (enlisted only).* "Leadership" has been defined in the original Navy Department General Order 21 (superseded by Navy Department General Order 21 of May 1, 1963) as "the art of accomplishing the Navy's mission through people. It is the sum of those qualities of intellect, of human understanding and of moral character that enable a man to inspire and to manage a group of people successfully. Effective leadership, therefore, is based on personal example, good management practices, and moral responsibility." The following should be considered and covered in making recommendations for the award based on noteworthy leadership achievement:

(*a*) Complete understanding of and clearly demonstrated adherence to the highest moral principles.

(*b*) Improvement of unit performance over a period of time directly attributable to the candidate, through comparison of results attained.

(*c*) Demonstrated achievement of the organizational part of the unit for which responsible.

(*d*) Other indication of the effect of the superior leadership of the individual recommended.

(m) *Purple Heart*—(1) *Authorization.* Executive Order 11016, April 25, 1962 (27 F.R. 4139).

(2) *Eligibility requirements.* Awarded to any person who, while serving under competent authority in any capacity with an Armed Force of the United States, has been or may hereafter be killed or wounded—

(i) In any action against an enemy of the United States;

(ii) In any action with an opposing armed force of a foreign country in which the Armed Forces of the United States are or have been engaged;

(iii) While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party;

(iv) As the result of an act of any such enemy or opposing armed force;

(v) As the result of an act of any hostile foreign force;

(vi) As the result of indirect enemy action as, for example, injuries resulting from parachuting from a plane brought down by enemy or hostile fire; or

(g) As the result of maltreatment inflicted by his captors while a prisoner of war.

(3) *Definition of "wound".* A wound is defined as an injury to any part of the body from an outside force or agent, sustained while in action as described in the criteria. A physical lesion is not required, provided the concussion or other form of injury received was a direct result of the action engaged in and required treatment by a medical officer.

(4) *Limitations.* Except in the case of a prisoner of war, the wound for which the award is made must have required treatment by a medical officer. Only one award is authorized for more than one wound or injury received at the same instant from the same missile, force, explosion, or agent. Awards will not be made by reason of frostbite, malnutrition, dysentery, and exhaustion.

Subpart C—Unit Awards

§ 733.31 Definition.

A unit award is an award made to an operating unit for outstanding performance.

§ 733.32 Precedence.

Insignia for U.S. unit awards, which consist of ribbon bars only, take precedence immediately after all military decorations. The precedence of unit awards is as follows:

(a) Presidential Unit Citation.

(b) Navy Unit Commendation.

§ 733.33 Attachments.

(a) *Bronze star.* A bronze star 3/16" in diameter is worn on the ribbon bar of all unit awards to denote each subsequent award for which personnel are eligible, made either to the same unit or to a unit to which they are subsequently assigned.

(b) *Silver star.* A silver star 3/16" in diameter is worn on the ribbon bar of all unit awards in lieu of five bronze stars.

(c) *Gold "N".* A gold "N" is worn on the ribbon bar of the Presidential Unit Citation awarded to the "U.S.S. Nautilus (SSR(N) 571)."

(d) *Bronze globe.* A bronze globe is worn on the ribbon bar of the Presidential Unit Citation awarded to the "U.S.S. Triton (SSR(N) 586)."

§ 733.34 Insignia for ships and units.

(a) *Presidential Unit Citation*—(1) *Pennant.* A burgee pennant of Independence Blue, Old Gold, and Scarlet of 27 units on the hoist by 57 units on the fly with the Gold measuring 13 units on the hoist and 48 units on the fly centered between the Blue above and the Scarlet below. This pennant will be flown from the foretruck by ships from sunrise to sunset when not underway. A replica of this pennant may be painted in a suitable place on individual ships, planes, tanks, etc.

(2) *Plaque.* For cited ships, aircraft units, tank units, etc., a bronze plaque of appropriate size may be displayed, with the pennant insignia centered in the upper part, and the citation, or citations if cited more than once, engraved below this insignia. A facsimile of this plaque may be painted in a suitable place on individual ships, planes, tanks, etc.

(3) *Streamer.* A streamer of appropriate size is authorized for cited companies, battalions, regiments, squadrons, groups, wings, etc., including component parts and reinforcing units thereof.

(4) *Ribbon replica.* Ships are authorized to display a replica of the Presidential Unit Citation with other replicas of ribbons.

(5) *Stars.* A bronze star may be added to the insignia for each additional citation received, and a silver star may be added in lieu of five bronze stars.

(6) *Custody of insignia.* When a ship or unit is decommissioned, the plaque or streamer will be sent to the Curator, Department of the Navy, Washington, D.C., or the U.S. Marine Corps Museum, Quantico, Virginia, as appropriate. A reactivated, recommissioned, or reorganized unit having the same name and mission as the original unit is authorized to obtain this plaque or streamer and to display it. A successor ship of the same name is authorized to obtain and display the plaque but will not display any of the distinguishing insignia. A notation will be made describing the circumstances

under which the original ship was lost or otherwise disposed of.

(7) *Rules for display of insignia by ships.* (i) Any ship that was part of the cited unit and participated in one or more of the actions for which the unit was cited is authorized to mount the plaque and paint the pennant and ribbon replicas.

(ii) The flagship of the cited unit is entitled to fly the pennant irrespective of whether the flagship was a part of the unit and participated in any of the actions for which the unit was cited.

(b) *Navy Unit Commendation*—(1) *Pennant.* A burgee pennant of Royal Blue, Spanish Yellow, Cardinal Red, and Myrtle Green of 44 units on the hoist by 92 units on the fly, with the Myrtle Green measuring 20 units on the hoist and 77 units on the fly, centered between the Royal Blue (4 units), Spanish Yellow (4 units), and Cardinal Red (4 units) above, and like arrangement of 12 units below. This pennant will be displayed by ships in the same manner and in accordance with the same rules as the Presidential Unit Citation pennant. A replica of this pennant may be painted in a suitable place on individual planes, tanks, etc.

(2) *Additional insignia.* A bronze plaque, facsimiles of this plaque, a battle streamer, ribbon replicas, and stars may be displayed in the same manner and in accordance with the same rules as indicated for the Presidential Unit Citation.

(3) *Stars.* A bronze star may be added to the insignia for each additional commendation received, and a silver star may be added in lieu of five bronze stars.

(4) *Custody of insignia.* The provisions for custody of insignia applicable to the Presidential Unit Citation are also applicable to the custody of Navy Unit Commendation insignia.

(5) *Rules for display of insignia by ships.* The rules applying to the Presidential Unit Citation are also applicable to the Navy Unit Commendation.

§ 733.35 Recommendations.

(a) *Chain of command.* All recommendations for unit awards shall be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) via the following chain of command: Operational commander, type commander (when appropriate), Commandant of the Marine Corps (when a Marine Corps unit is recommended), and the Chief of Naval Operations. In the event any Navy or Marine Corps unit is recommended for a unit award and has operated under a joint commander for any portion of the time encompassed by the recommendation, an expression of opinion concerning the meritorious service of that unit shall be obtained from the joint commander concerned. After review by the Navy Department Board of Decorations and Medals, the recommendation shall be transmitted to the Secretary of the Navy via the Chief of Naval Operations.

(b) *Evidence required.* Each recommendation will be submitted separately and will be accompanied by sufficient data forming the basis of the recommendation to enable the reviewing authorities to consider the case adequately. Complete lists of all qualifying and recommended reinforcing units with dates of attachment to the unit recommended for citation shall be submitted with the recommendation.

§ 733.36 Limitations.

(a) No unit or any part thereof will be awarded both the Presidential Unit Citation and the Navy Unit Commendation for the same act or service.

(b) Recommendations for unit awards must be submitted within three years from the date of the action or service and the award must be made within five years thereof. When a recommendation has been initiated and placed in official channels within the time limits prescribed and has become lost, the certificate of an officer to that effect, accompanied by a copy of the original recommendation or, if a copy is not available, a statement of the substance of the original recommendation may be submitted and the case considered on its merits.

§ 733.37 Requirements.

The authorization, eligibility requirements, and special provisions for unit awards are listed in the following paragraphs.

(a) *Presidential Unit Citation*—(1) *Authorization.* Executive Order 10694, January 10, 1957 (22 F.R. 253).

(2) *Eligibility requirements*—(i) *For units.* Awarded in the name of the President of the United States to any ship, aircraft, or other unit of the Navy or to any Marine Corps aircraft, detachment, or higher unit for outstanding performance in action. This award may also be conferred upon units of armed forces of cobelligerent nations serving with the Armed Forces of the United States for outstanding performance in action, provided that such units shall meet the standards established for the Armed Forces of the United States. To justify the citation, the unit must have clearly rendered itself conspicuous by action of a character comparable to that which would merit the award of a Navy Cross to an individual. The performance of duty in carrying out a mission under the ordinary hazards of war, or participation in extended periods of combat duty, or in a large number of combat missions does not in itself justify the award, which is designed to recognize specific acts of heroism on the part of the unit acting as a team. An award will not be made to a large unit for actions of one or more of its component parts unless the large unit performed as a total team in a manner justifying the award.

(ii) *For personnel of the cited unit.* Those persons permanently assigned or attached to the cited unit who were actually present and participated in the action for which the unit was cited, or in one of the actions if more than one action is mentioned in the citation, are authorized to wear the ribbon permanently (no medal authorized), regardless of where serving. Personnel who join the unit in a permanent duty status subsequent to the period for which that unit was cited are not entitled to wear the ribbon at any time. Transient and temporary duty personnel, and those assigned to the cited unit for active duty for training, are normally not eligible. Exceptions may be made for personnel so assigned because of an outstanding need for the skills possessed which were not adequately available within the unit. In such a case, the commanding officer should submit a recommendation in which he certifies that the individual made a direct, recognizable contribution to the performance of the services which qualified the unit for the award.

(iii) *For staff personnel serving in cited unit.* Flag Officers, unit commanders, and members of their staffs, serving in a unit upon the occasion for which cited, or any part thereof, shall be included in the unit citation. However, should such flag officers, unit commanders, and staff members serve with a number of units, each cited for the same overall group operation, they shall be eligible for only one such citation.

(b) *Navy Unit Commendation*—(1) *Authorization.* ALNAV 224, December 18, 1944.

(2) *Eligibility requirements*—(i) *For units.* Awarded by the Secretary of the Navy to any ship, aircraft, or other unit of the Navy or to any Marine Corps aircraft, detachment, or higher unit which has distinguished itself by outstanding heroism in action against the enemy, but not sufficient to justify the award of the Presidential Unit Citation; or to any such unit which has distinguished itself by extremely meritorious service not involving combat but in support of military operations, rendering the unit outstanding compared to other units performing similar service. This award may also be conferred upon units of armed forces of cobelligerent nations serving with the Armed Forces of the United States provided that such units shall meet the standards established for Navy and Marine Corps units. To justify this award, the unit must have performed service as a unit of a character comparable to that which would merit the award of a Silver Star Medal or a Legion of Merit to an individual. Normal performance of duty or in a large number of combat missions does not in itself justify the award. An award will not be made to a large unit for actions of one or more of its component parts unless the large unit performed as a total team in a manner justifying the award.

(ii) *For personnel of cited units.* Those persons permanently assigned or attached to the unit commended who were actually present and participated in the action for which the unit was commended, or in one of the actions if more than one action is mentioned in the commendation, are authorized to wear the ribbon permanently (no medal authorized), regardless of where serving. Personnel who join the unit in a permanent duty status subsequent to the period for which that unit was commended are not entitled to wear the ribbon at any time. Transient and temporary duty personnel, and those assigned to the commended unit for active duty for training, are normally not eligible. Exceptions may be made for personnel so assigned because of an out-

standing need for the skills possessed which were not adequately available within the unit. In such a case, the commanding officer should submit a recommendation in which he certifies that the individual made a direct, recognizable contribution to the performance of the services which qualified the unit for the award.

(iii) *For staff personnel serving in a cited unit.* Flag officers, unit commanders, and members of their staffs, serving in a unit upon the occasion for which cited, or any part thereof, shall be included in the unit citation. However, should such flag officers and staff members serve with a number of units, each cited for the same overall group operation, they shall be eligible for only one such citation.

Subpart D—United States Nonmilitary Decorations

§ 733.41 Definition.

A United States nonmilitary decoration is any United States decoration which is not classified as a military decoration.

§ 733.42 Precedence.

United States nonmilitary decorations take precedence immediately after all United States unit awards. They take precedence in the order earned except that when more than one decoration has been established by the same agency, the precedence of those particular decorations is as established by that agency. The following list includes certain nonmilitary decorations which personnel in the naval service may earn and wear on the uniform:

(a) Gold Life Saving Medal (14 U.S.C. 500).

(b) Silver Life Saving Medal (14 U.S.C. 500).

(c) National Security Medal (E.O. 10431, Jan. 19, 1953; 18 F.R. 437).

(d) Presidential Medal of Freedom (E.O. 11085, Feb. 21, 1963; 28 F.R. 1759).

(e) National Aeronautics and Space Administration Distinguished Service Medal.

Other nonmilitary awards earned by naval personnel prior to entry into the service which may be worn on the uniform are listed in the U.S. Navy Uniform Regulations and the U.S. Marine Corps Uniform Regulations.

§ 733.43 Attachments.

(a) *Gold bar.* A gold bar is authorized to be worn on the suspension ribbon of the Gold Life Saving Medal to denote each subsequent award earned.

(b) *Silver bar.* A silver bar is authorized to be worn on the suspension ribbon of the Silver Life Saving Medal to denote each subsequent award earned.

(c) *Gold compass rose.* A gold compass rose is authorized to be worn on the suspension ribbon of the medal and ribbon bar of the National Security Medal to denote each subsequent award earned.

(d) *Planet symbol.* A ball-shaped object symbolizing a planet with wing configuration is authorized to be worn on the suspension ribbon of the medal and ribbon bar of the National Aeronautics and Space Administration Distinguished Service Medal to denote each subsequent award earned.

§ 733.44 Issue and replacement.

Regulations for issue and replacement of United States nonmilitary decorations are as promulgated by the awarding agency.

§ 733.45 Recommendations.

(a) All recommendations for the United States nonmilitary decorations listed in § 733.42 should be forwarded to the Secretary of the Navy (Navy Department Board of Decorations and Medals) for further transmittal to the appropriate reviewing authority.

(b) Navy and Marine Corps personnel should not be recommended for Treasury Department Life Saving Medals unless a military decoration is considered wholly inappropriate. The Navy and Marine Corps Medal or Navy Commendation Medal, as appropriate, should be awarded to Navy and Marine Corps personnel for heroic conduct in saving life instead of the Gold and Silver Life Saving Medals.

Subpart E—Campaign and Service Awards

§ 733.51 Definition.

A campaign or service award is an award issued to an individual to denote participation in a campaign, war, national emergency or expedition, or to denote service requirements fulfilled in a creditable manner.

§ 733.52 Precedence.

The awards numbered 19–29 in § 733.17 are arranged or worn in their order of precedence as shown. Awards numbered 30–49 have no precedence, as such, among themselves, but are chronologically listed in § 733.17 on the basis of the date of their original establishment; they are worn by the individual, however, in the order in which they are earned, and their precedence for an individual member is so determined.

§ 733.53 Attachments.

Detailed eligibility requirements for attachments are contained in § 733.57 under the requirements for the specific award, and the wearing thereof is covered in Navy Uniform Regulations and Marine Corps Uniform Regulations.

(a) *Stars*—(1) *Bronze.* A bronze star 3/16" in diameter is worn on the suspension ribbon of the medal and the ribbon bar of the following awards to denote each subsequent award earned, or to denote battle engagements:

(i) Good Conduct Medals (Navy and Marine Corps).

(ii) Naval Reserve Medal.

(iii) Naval Reserve Meritorious Service Medal.

(iv) Organized Marine Corps Reserve Medal.

(v) Expeditionary Medals (Navy and Marine Corps).

(vi) China Service Medal.

(vii) Area Campaign Medals, World War II (American Campaign Medal, European-African-Middle Eastern Campaign Medal, and Asiatic-Pacific Campaign Medal).

(viii) Korean Service Medal.

(ix) Armed Forces Expeditionary Medal.

(x) Marine Corps Reserve Ribbon.

(A bronze star is also worn on the ribbon bar in lieu of battle and/or service clasp worn on the suspension ribbon of the Victory Medal (World War I) and the American Defense Service Medal.

(2) *Silver.* A silver star 3/16" in diameter is worn as follows:

(i) On the suspension ribbon and ribbon bar of the medals listed in paragraph (a)(1) of this section.

(ii) On the ribbon bar of the Victory Medal (World War I) in lieu of five battle clasps.

(iii) On the suspension ribbon and ribbon bar of the Victory Medal (World War I) for each commendation from the Secretary of the Navy for performance of duty during World War I not justifying the award of a Medal of Honor, a Distinguished Service Medal, or a Navy Cross.

(b) *Clasps.*—(1) *Expeditionary Medals (Navy and Marine Corps).* The "Wake Island" Clasp is authorized for wear on the suspension ribbon of these medals.

(2) *Victory Medal (World War I).* Service clasps, area clasps, and battle clasps are authorized to be worn on the suspension ribbon of the medal. Only one service or area clasp may be worn. All earned battle clasps, however, may be worn, but may not be worn with a service or area clasp.

(3) *American Defense Service Medal.* The following clasps are authorized for wear on the suspension ribbon of this medal: (i) "Fleet". (ii) "Base".

(4) *Navy Occupation Service Medal.* The following clasps are authorized for wear on the suspension ribbon of this medal: (i) "Europe". (ii) "Asia".

(5) *Antarctica Service Medal.* Bronze, gold, and silver clasps with the words "Wintered Over" are authorized for wear on the suspension ribbon of this medal.

(c) *Letter devices.* (1) Bronze letter "A" is authorized for wear on the ribbon bar of the American Defense Service Medal.

(2) Silver letter "W" is authorized for wear on the ribbon bar in lieu of the "Wake Island" clasp worn on the suspension ribbon of the Expeditionary Medals (Navy and Marine Corps).

(d) *Miscellaneous devices.* (1) Berlin Airlift Device is authorized for wear on the suspension ribbon of the medal and on the ribbon bar of the Navy Occupation Service Medal.

(2) Bronze Maltese Cross is authorized for wear on the ribbon bar of the World War I Victory Medal indicative of the France Clasp worn on the suspension ribbon.

(3) Fleet Marine Force Combat Operation Insignia is authorized for wear by naval personnel attached to Fleet Marine Force units on the suspension ribbon of the medal and the ribbon bar of World War II area campaign medals and the Korean Service Medal, and on other appropriate medals authorized for any future wars, conflicts, or insurrections.

(4) Hour Glass Device is authorized for wear on the suspension ribbon of

the medal and ribbon bar of the Armed Forces Reserve Medal.

(5) Discs in bronze, gold, and silver are authorized for wear on the ribbon bar of the Antarctica Service Medal.

§ 733.54 Distribution.

(a) Distribution of a particular campaign/service medal will be in accordance with instructions issued by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate. When the medal is available for initial distribution, instructions will be promulgated by each branch of the service in accordance with established policies to inform commanding officers of the method of procurement.

(b) Commanding officers shall make appropriate entries concerning campaign/service awards which have been earned and which have been received by each individual under their command in accordance with instructions in the Bureau of Naval Personnel Manual and the Marine Corps Personnel Manual.

§ 733.55 Limitations.

(a) *Character of service.* Eligibility of any person for a campaign or service award shall be determined by his status at the time the award is earned, but no campaign/service award shall be issued to anyone whose service subsequent to the time the award was earned shall have been such as to merit a discharge under other than honorable conditions. However, if an individual was issued such an award prior to his dishonorable discharge, the award will not be revoked unless directed by the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate.

(b) *Issuance of medals.* No more than one of any specific campaign/service medal shall be issued to an individual. An appropriate attachment shall be issued in lieu of each subsequent medal earned.

§ 733.56 Applications.

(a) *U.S. Navy personnel.* (1) Form letter NAVPERS 2887 (Medals and Awards; request for) will be used by active duty personnel to submit requests for the initial issuance or for the replacement of campaign/service medals, and for the replacement only of Good Conduct Medals, Naval Reserve Medals, and Armed Forces Reserve Medals.

(2) Form letter NAVPERS 2888 (Good Conduct Award(s); request for) will be used by commanding officers to submit requests for Good Conduct Awards and/or Certificates for personnel under their command. (The forms referred to in this subparagraph and in subparagraph (1) may be obtained from the Cognizance Symbol "I" segment of the Navy Supply System in accordance with NAVSANDA Publication P–2002, Navy Stock List of Forms and Publications.)

(3) Naval Reserve Medal and Armed Forces Reserve Medal. Applications for these awards will be submitted in letter form to the Chief of Naval Personnel via the commanding officer or district commandant as appropriate, and will show the date of enlistment or commissioning in the Reserve, all periods of broken service, and, except for Naval Reserve officers, the number of retirement points earned during the current enlistment or period of service. Applications from Naval Reserve officers who have served on other than continuous active duty shall be forwarded via the Officer in Charge, Naval Reserve Officer Recording Activity, Omaha, Nebraska, for inclusion of retirement points earned and the number of satifactory years completed.

(4) Naval Reserve Meritorious Service Medal. Application is made to the commanding officer or district commandant, who will determine eligibility for and procure the ribbon directly from the Naval Supply Depot, Philadelphia, Pennsylvania.

(b) *U.S. Marine Corps personnel.* (1) Individual applications for campaign and service medals for Marine Corps personnel will be submitted in duplicate, using Administrative Action Form NAVMC 10274–ADM (Rev. 3–59), or by individual letter. Full name, grade or rate, and service number should be furnished.

(2) In the case of the Organized Marine Corps Reserve Medal, furnish in addition if available: Date joined organized unit; broken time, i.e., organized, volunteer, or periods of active duty; number of drills and camps attended or equivalent duty; and markings as applicable. Such information should be furnished according to the individual's anniversary year in the Organized Reserve.

(3) In the case of the Armed Forces Reserve Medal, furnish, if available, the date of acceptance of appointment in the Reserve for officers, or the date of joining the Reserve unit for enlisted men. In addition, furnish the number of yearly retirement points after July 1, 1949.

(4) In the case of the Marine Corps Good Conduct Medal, commanding officers are authorized to award this medal or star with certificate at the time requirements are met for such awards. In making the award, the commanding officer will issue the medal or star together with the original certificate to the person eligible, forward a copy thereof to the Commandant of the Marine Corps (Code DGH), and make appropriate entry in the service record book.

§ 733.57 Requirements.

The authorization, eligibility requirements, and special provisions for campaign/service awards are as set forth in this section. Unit commanders, members of their staffs, and personnel attached to air or other units automatically derive their eligibility for service medals and engagement stars in the same manner as personnel regularly assigned to the ship or unit to which they are attached.

(a) *Navy Good Conduct Medal*—(1) *Authorization.* The Navy Good Conduct Medal was established by the Secretary of the Navy on April 26, 1869, to recognize service in the Navy which is above average in conduct and proficiency. Since the establishment of the Good Conduct Medal, the requirements have been changed from time to time and are listed in the Navy and Marine Corps Awards Manual. The current requirements are also set forth in paragraph (a)(2) of this section.

(2) *Current requirements (for service terminating on and after November 1, 1963)*—(i) *Service.* (*a*) Any 4 years of continuous active service as an enlisted member in the Regular Navy or Naval Reserve (including inductee).

(*1*) A person reenlisting or reporting for active duty within 3 months of his discharge or release to inactive duty is considered to be serving under "continuous active service" conditions. The time not served is not counted as an interruption to service, but is not included in computing time served. A person who reenlists or reports for active duty after 3 months must begin a new 4-year period on the date of reenlistment or reporting for active duty.

(*2*) An enlisted member appointed a temporary warrant or commissioned officer or a Naval Academy midshipman may include such temporary service upon reverting to an enlisted status for any purpose (including for discharge to accept appointment as permanent officer) in computing total service toward eligibility for a Good Conduct award. Except as provided in the preceding sentence, service in warrant, commissioned, or Naval Academy midshipmen status may not be included in computing time served.

(*3*) Reserve time credited toward the Naval Reserve Meritorious Service Ribbon may not be credited for the Good Conduct Medal/award.

(*b*) A completed minority enlistment. A minority enlistment will be considered to be a completed enlistment when the member concerned is discharged the day prior to his 21st birthday or within 3 months of the day prior to his 21st birthday.

(*c*) A first enlistment from which discharged or released to inactive duty within 3 months of expiration of a 4-year enlistment.

(ii) *Conduct and performance.* Within the given 4-year period (or completed minority enlistment):

(*a*) Clear record (no convictions by courts-martial, no nonjudicial punishments, no sick-misconduct, no civil convictions for offenses involving moral turpitude).

(*1*) If confinement as result of conviction by any court-martial (general, special, or summary court-martial) is involved, a new 4-year period shall begin with date of restoration to duty, even though on a probationary basis. If confinement is not included in approved sentence of the court-martial, a new 4-year period shall begin with date of convening authority's action.

(*2*) If service record contains a nonjudicial punishment, a new 4-year period shall begin with date of nonjudicial punishment. If date of nonjudicial punishment is not shown, the new 4-year period shall begin with date of offense.

(*3*) If sick-misconduct appears in record, a new 4-year period shall begin with date of restoration to duty.

(*4*) If convicted by civil authorities, a new 4-year period shall begin with date of return to active duty status.

(*b*) No mark below 3.0 in Professional Performance, Military Behavior, Leader-

ship and Supervisory Ability, Military Appearance, and Adaptability. (No average mark required.) If record contains a mark below 3.0 which is not the result of a nonjudicial punishment, the new 4-year period shall begin with the date of the mark.

(c) Service performed in temporary warrant, commissioned, or Naval Academy midshipman status, if reverted to enlisted status, will be considered to fulfill the conduct and proficiency requirements for the Good Conduct award provided the individual has not received any of the following in a 4-year period: court-martial; nonjudicial punishment; letter of censure, admonition, or reprimand; suspension from duty or private reprimand if noted on fitness report or otherwise officially reported to the Bureau of Naval Personnel; unsatisfactory fitness report; reversion to enlisted status for disciplinary reasons; or civil conviction for offenses involving moral turpitude.

(d) When the foregoing requirements have been met, but it is evident that the individual is not deserving of this award due to a repeated record of letters of valid indebtedness, or other acts which are not in keeping with the high moral standards required of all Navy personnel, the commanding officer will make appropriate recommendation to the Chief of Naval Personnel stating the reasons.

(3) *Certificates.* A Good Conduct Award Certificate for the latest award earned will be completed in the Bureau of Naval Personnel at the time entitlement to the latest award is determined, and will be forwarded for the commanding officer's signature and presentation to the member concerned.

(b) *Marine Corps Good Conduct Medal*—(1) *Authorization.* The Marine Corps Good Conduct Medal was established by the Secretary of the Navy by Special Order No. 49 of July 20, 1896, to recognize good behavior and faithful service in the Marine Corps.

(2) *Eligibility requirements*—(i) *Service.* (a) Any 3 years of continuous active service, regardless of expiration or extension of enlistments and (except as indicated in subdivision (ii)) any previous or subsequent disciplinary action, of enlisted personnel, Regular or Reserve, including service in temporary warrant or commissioned status provided such temporary officer reverts to enlisted status. Reenlistment within a period of 90 days from date of discharge will not be construed as an interruption of continuous service but the period between discharge and reenlistment will not be counted.

(b) Provided the individual is otherwise qualified, a Good Conduct Award shall be authorized for any three years' enlisted service consisting of a combination of periods of active service in a war, national emergency or armed hostilities in which the United States is engaged. (When the first period of such service terminated prior to December 10, 1945, a total of four years' enlisted service is required.) In establishing eligibility hereunder, service performed during World War II and hostilities in Korea will not be creditable unless entry or reentry to active service occurred during the periods from September 8, 1939, to December 31, 1946, inclusive, and/or June 27, 1950, to July 27, 1954, inclusive.

(ii) *Conduct.* (a) The Good Conduct Award shall be gained only through service wherein the otherwise qualified individual has no convictions by court-martial, not more than one nonjudicial punishment under article 15 of the Uniform Code of Military Justice (10 U.S.C. 815), and no lost time by reason of sickness-misconduct or injury-misconduct (see 10 U.S.C. 972(5)).

(b) When sentenced to confinement as a result of conviction by any court-martial, a new period shall begin with the date of restoration to duty even though in a probationary status. The date of approval by the convening authority on all court-martial sentences not involving confinement shall be the new commencement date.

(c) When a second nonjudicial punishment under article 15 of the Uniform Code of Military Justice voids creditability of service, a new Good Conduct period shall commence effective with the date of approval of that punishment except that, when a nonjudicial punishment for an offense occurring within the 3-year period is imposed after the expiration of the 3-year period and voids the award, the date of the offense shall be the new commencement date for the award.

(d) In case of time lost due to sickness-misconduct or injury-misconduct, the date of return to duty shall be the new commencement date for a Good Conduct Award.

(e) Where the foregoing requirements have been met, but it is evident that the individual is not deserving of this award due to a repeated record of letters of valid indebtedness, conviction by civil court for a major offense or offenses, or other acts which are not in keeping with the high moral standards required of all Marines, the commanding officer will make appropriate recommendation to the Commandant of the Marine Corps stating the reasons.

(c) *Naval Reserve Medal*—(1) *Authorization.* The Naval Reserve Medal was established by a Secretary of the Navy directive of September 12, 1938. This medal will not be awarded for any service performed after September 12, 1958. Personnel who, on or prior to September 12, 1958, were eligible to receive either the Naval Reserve Medal or the Armed Forces Reserve Medal may elect to receive either medal.

(2) *Eligibility requirements.* Awarded for each qualifying 10-year period terminating on or prior to September 12, 1958. Before July 1, 1950, the only requirement was honorable service, active or inactive, continuous or broken. Beginning July 1, 1950, the same regulations apply to the Naval Reserve Medal as govern the award of the Armed Forces Reserve Medal except that:

(i) The 10-year period need not be confined within a 12-year period as provided for the Armed Forces Reserve Medal.

(ii) Service in the Army and Air Force Reserve components is not creditable. Service in the Marine Corps Reserve is creditable provided the applicant has been appointed or enlisted in the Naval Reserve within 3 months of separation from the Marine Corps Reserve, and provided such Reservist has not been awarded a Marine Corps Reserve Medal based on any portion of the time included in his application for the Naval Reserve Medal. Service in the Coast Guard Reserve is creditable for those periods of time that the Coast Guard is serving with the Navy. (See eligibility requirements for the Armed Forces Reserve Medal in subdivision (i) of this subparagraph.)

(d) *Naval Reserve Meritorious Service Medal*—(1) *Authorization.* Secretary of the Navy's approval of the National Naval Reserve Policy Board's 1960 Report, promulgated by Bureau of Naval Personnel Notice 1650 of June 25, 1962.

(2) *Eligibility requirements.* The initial date for computation of service for this award is July 1, 1958. The medal may be awarded to an enlisted Naval Reservist who, during any 4 consecutive years subsequent to July 1, 1958, fulfills the following minimum service requirements and receives no evaluation mark less than 3.0 (if marks are assigned):

(i) Performs 4 periods of active duty for training of not less than 14 days each; and

(ii) Attends 90 percent of all scheduled drills of a Naval Reserve unit or performs authorized equivalent instruction or duty (including appropriate duty).

When a portion of the 4-year period is spent on active duty, a minimum of 30 days' active duty during a qualification year may be substituted for that year's Reserve service requirements, provided that such active duty has not been credited toward the Good Conduct Medal.

(e) *Organized Marine Corps Reserve Medal*—(1) *Authorization.* The Organized Marine Corps Reserve Medal was established by a Secretary of the Navy directive of February 19, 1939.

(2) *Eligibility requirements.* Awarded to members of the Marine Corps Reserve who, subsequent to July 1, 1925, have fulfilled certain designated service requirements within any 4-year period of service in the Organized Marine Corps Reserve. The following are specific requirements of eligibility for this medal:

(i) Attendance with an organized unit of the Reserve at 4 consecutive annual field training periods. A period of active duty training which has been authorized to be performed in lieu of a regular annual field training period will fulfill this requirement.

(ii) Effective April 24, 1961, attendance with an Organized Reserve Unit of 90 percent of all scheduled drills each year for 4 consecutive years. Eligibility for the medal prior to that date is based on 80 percent attendance of all scheduled drills. Appropriate duty or equivalent instruction or duty may be credited in lieu of drills.

(iii) Officers and noncommissioned officers of the pay grade of E–5 or above must have received no fitness report with an average marking of less than "Above Average". Enlisted personnel in pay

grade E–4 or below must have obtained for the first 4-year period a combined average of conduct and proficiency markings of 4.0 or above during the award period; for subsequent 4-year periods, enlisted personnel must have obtained a combined average of conduct and proficiency markings of 4.5 or above. When it is evident that the individual who otherwise fulfills the eligibility criteria is not deserving of this award because of a repeated record of indebtedness or other acts which are not in keeping with the high moral standards required of all Marines, the commanding officer will make appropriate recommendation to the Commandant of the Marine Corps stating the reasons.

(iv) Members of the Organized Marine Corps Reserve, when called to active duty in time of war or national emergency, may be credited while on active duty with the annual field training and required drill attendance when they have served not less than one month on active duty during each qualification year. Such active service may be credited only for the purpose of qualification for the medal or bronze star toward which the reservist was working at the time of mobilization. When his 4-year period is completed, active duty subsequently performed may not be credited toward the issuance of a medal or star. If the period of active duty is of such duration that the reservist is ordered to inactive status prior to completion of his 4-year period, the time spent on active duty may be credited toward the award of medal or star, but credit for active duty will not be allowed for any 4-year period which began with the reservist on active duty. Once a medal or star is earned after mobilization, the reservist must return to drill and training status before a new qualification period begins.

(v) When a member of the Organized Marine Corps Reserve is unable to attend drills due to his absence from the place of drill, or for causes beyond his control, exclusive of sickness, he should request a leave of absence for such period in order that this absence from the regular drill period will not count against his record of attendance for eligibility for the Organized Marine Corps Reserve Medal.

(vi) Retroactive to January 12, 1961, the medal will also be awarded to those officers prohibited by the rotation system, due to the lack of billets, from serving in the Organized Marine Corps Reserve for a 4-year period, provided they have met the following criteria: Completed any continuous 5 anniversary years of satisfactory Federal service in the Marine Corps Reserve as defined by regulations, which includes a minimum of 2 years of satisfactory participation as a member of an Organized Marine Corps Reserve Unit during which attendance at drills and periods of annual field training meets the requirements cited in subdivisions (i) to (iii).

(f) *Expeditionary Medals (Navy and Marine Corps)*—(1) *Navy Expeditionary Medal.*—(i) *Authorization.* Navy Department General Order 64 of May 13, 1935.

(ii) *Eligibility requirements.* Awarded to personnel of the Navy who shall have actually landed on foreign territory and engaged in operations against armed opposition, or operated under circumstances which after full consideration shall be deemed to merit special recognition and for which service no campaign medal has been awarded. Article 531.9 and List 4 of Annex II of the Navy and Marine Corps Awards Manual list the expeditions authorized for the purpose.

(iii) *Wake Island Clasp and Silver "W" Device.* Navy personnel who served in the defense of Wake Island, December 7–22, 1941, are authorized to wear a clasp inscribed "Wawe Island" on the suspension ribbon of the large medal and a silver "W" on the ribbon bar.

(2) *Marine Corps Expeditionary Medal*—(i) *Authorization.* Marine Corps General Order 33 of May 8, 1919.

(ii) *Eligibility requirements.* Awarded to personnel of the Marine Corps who fulfill the same service requirements as would qualify Navy personnel for the Navy Expeditionary Medal. Article 531.9 and List 4 of Annex II of the Navy and Marine Corps Awards Manual list the expeditions authorized for the purpose.

(iii) *Wake Island Clasp and Silver "W" Device.* Authorized for Marine Corps personnel under the same conditions as for the Navy Expeditionary Medal.

(g) *Antarctica Service Medal*—(1) *Authorization.* Act of July 7, 1960, 74 Stat. 337.

(2) *Eligibility requirements.* Any person who, during the period between January 1, 1946, and a date to be ultimately established by the Secretary of Defense, meets the qualifications of any of the following subdivisions shall be eligible to receive the medal:

(i) Any member of the Armed Forces of the United States or civilian citizen, national, or resident alien of the United States who, as a member of a U.S. expedition, participates or has participated in scientific, direct support, or exploratory operations on the Antarctic continent.

(ii) Any member of the Armed Forces of the United States or civilian citizen, national, or resident alien of the United States who participates or has participated in a foreign Antarctic expedition on that continent in coordination with a U.S. Antarctic expedition and who is or was under the sponsorship and approval of competent U.S. Government authority.

(iii) Any member of the U.S. Armed Forces who participates or has participated in flights as a member of the crew of an aircraft flying to or from the Antarctic or within the Antarctic continent in support of operations on that continent.

(iv) Any member of the U.S. Armed Forces who serves or has served in a United States ship operating south of latitude 60° south in support of U.S. operations in Antarctica.

(v) Any person, including a citizen of a foreign nation, not fulfilling the qualifications under subdivisions (i) to (iv) of this subparagraph, who participates or has participated in a U.S. Antarctic expedition on that continent at the invitation of a participating U.S. agency may be given the award by the Secretary of the Department under whose cognizance the expedition falls, provided the commander of the military support force as senior U.S. representative in Antarctica considers that he has performed outstanding and exceptional service and shared the hardships and hazards of the expedition.

No minimum time limits of participation under the guidelines in subdivisions (i) to (v) of this subparagraph are prescribed for eligibility for this medal. The award may be made posthumously. No person is authorized to receive more than one award of the medal. Annex II, List 3, of the Navy and Marine Corps Awards Manual contains a list of eligible ships and units.

(3) *Devices*—(i) *Clasps.* Personnel who stay or have stayed on the Antarctic continent during the winter months shall be eligible to wear a bronze clasp with the words "Wintered Over" on the suspension ribbon of the medal. A gold clasp is authorized for the second wintering-over period, and a silver clasp is worn to denote the third or subsequent wintering-over period. (The winter period is from mid-March to early October. The summer period is from early October to mid-March.)

(ii) *Discs.* The first wintering-over eligibility will be denoted by a bronze disc of 5/16" diameter with an outline of the Antarctic continent inscribed thereon, fastened on the ribbon bar representing the medal. A gold disc will represent the second wintering-over period. A silver disc will represent the third or subsequent wintering-over period. Not more than one clasp or disc shall be worn on the suspension ribbon or ribbon bar.

(h) *Armed Forces Expeditionary Medal*—(1) *Authorization.* Executive Order 10977, December 4, 1961 (26 F.R. 11471).

(2) *Eligibility requirements*—(i) *Personnel eligible.* Awarded to personnel of the Armed Forces of the United States who after July 1, 1958:

(*a*) Participate or have participated as members of United States military units in a United States military operation in which, in the opinion of the Joint Chiefs of Staff, personnel of any military department participate in significant numbers.

(*b*) Encounter, incident to such participation, foreign armed opposition, or are otherwise placed or have been placed in such position that, in the opinion of the Joint Chiefs of Staff, hostile action by foreign armed forces was imminent even though it did not materialize.

(ii) *Categories of operations.* The Armed Forces Expeditionary Medal may be authorized for three categories of operations:

(*a*) United States military operations.

(*b*) United States operations in direct support of the United Nations.

(*c*) United States operations of assistance to friendly foreign nations.

(iii) *Definitions.* (*a*) The "Area of Operations" is defined as

(*1*) The foreign territory upon which United States Armed Forces have actu-

ally landed or are present and specifically deployed for the direct support of the designated military operation.

(2) Adjacent water areas in which United States ships are operating, patrolling, or providing direct support of operations.

(3) The air space above and adjacent to the area in which operations are being conducted.

(*b*) "Direct Support" is defined as the supply by ground units, ships, and aircraft of services and/or supplies and equipment to combat forces in the area of operations, provided such support involves actually entering the designated area, and furnishing fire, patrol, guard, reconnaissance, or other military support.

(iv) *Degrees of participation.* Personnel must be bona fide members of a unit engaged in the operation, or meet one or more of the following criteria:

(*a*) Serve not less than 30 consecutive days in the area of operations.

(*b*) Engage in direct support of the operation for 30 consecutive days or 60 nonconsecutive days, provided such support involves entering the area of operations.

(*c*) Serve for the full period when an operation is of less than 30 days' duration.

(*d*) Engage in actual combat, or duty which is equally as hazardous as combat duty, during an operation against armed opposition, regardless of time in the area.

(*e*) Participate as a regularly assigned crew member of an aircraft flying into, out of, within, or over the area in support of the military operation.

(*f*) Be recommended, or attached to a unit recommended, by the Chief of Naval Operations or the commander of a unified or specified command for award of the medal although the foregoing criteria may not have been fulfilled. (A recommendation may be made to the Joint Chiefs of Staff, via the Chief of Naval Operations, and the Commandant of the Marine Corps when applicable, for duty of such value to the operations as to warrant particular recognition.)

(v) *Operations.* The following operations have been designated by the Joint Chiefs of Staff as qualifying for award of the Armed Forces Expeditionary Medal:

(*a*) U.S. military operations:

Berlin—August 14, 1961, to a date to be announced.
Lebanon—July 1, 1958, to November 1, 1958.
Quemoy and Matsu Islands—August 23, 1958, to June 1, 1963.
Taiwan Straits—August 23, 1958, to January 1, 1959.
Cuba—October 24, 1962, to a date to be announced.

(*b*) U.S. operations in direct support of the United Nations:

Congo—July 14, 1960, to September 1, 1962.

(*c*) U.S. operations assisting friendly foreign nations:

Laos—April 19, 1961, to October 7, 1962.
Viet Nam—July 1, 1958, to a date to be announced.

(vi) *Eligible ships and units.* Lists of ships and units (including Navy, Marine Corps, and Coast Guard) are published in Annex II, List 5, of the Navy and Marine Corps Awards Manual.

(vii) *Issuance of medal.* The medal shall be awarded only for operations for which no other United States campaign medal is approved. For operations in which personnel of only one military department participate, the medal shall be awarded only if there is no other suitable award available to that department.

(i) *Armed Forces Reserve Medal*—(1) *Authorization.* Executive Order 10163, September 25, 1950 (15 F.R. 6489), as amended by Executive Order 10439, March 19, 1953 (18 F.R. 1581).

(2) *Eligibility requirements.* Issued to any officer or enlisted member or former member of the Reserve components of the Armed Forces of the United States who completes or has completed a total of 10 years of honorable satisfactory service under the following conditions:

(i) The required 10 years must have been performed within a period of 12 consecutive years.

(ii) Such service shall not include service in a Regular component of the Armed Forces; however, any period of time during which Reserve service is interrupted by service in a Regular component of the Armed Forces (including Naval Academy Midshipman service) shall not be considered a break in the said period of 12 consecutive years.

(iii) Any period during which Reserve service is interrupted by one or more of the following will be excluded in computing, but will not be considered as a break in the period of 12 years:

(*a*) During tenure of office by any State official chosen by the voters of the entire State, territory, or possession.

(*b*) During tenure of office of members of the legislative body of the United States or of any State, territory, or possession.

(*c*) While serving as judge of a court of record of the United States, or of any State, territory, possession, or the District of Columbia.

(iv) Service in the Retired Reserve (with or without pay), or on the Inactive Status List shall not count toward eligibility.

(v) U.S. Naval Reserve Midshipmen are not eligible after July 1, 1950, for the medal since they are not in a position to earn 50 points per anniversary year.

(vi) Reserve Aviation Cadet time is considered to fulfill the requirements for this medal subsequent to July 1, 1950, since such Reservists are on active duty and are thus earning the yearly 50 points.

(vii) In order to achieve a year of honorable satisfactory service, a Reservist must accumulate during each anniversary year of service subsequent to June 30, 1949, a total of at least 50 retirement points. All honorable service prior to July 1, 1949, active or inactive, as a member of a Reserve component of the Armed Forces is qualifying service. The 50 required points may be accumulated by one of the following methods or by any combination thereof, and the points will be credited on the basis indicated:

(*a*) One point for each authorized drill period in an organized or volunteer unit.

(*b*) One point for each period of appropriate duty, equivalent instruction, or equivalent duty.

(*c*) One point for each day of training duty, served with or without pay.

(*d*) One point for each day of active duty.

(*e*) A varying number of points for completion of each correspondence course.

(*f*) Fifteen gratuitous points are automatically credited annually to all Naval Reservists by virtue of their membership in the Naval Reserve regardless of their participation in any of the Naval Reserve training programs: *Provided,* That they are not on active duty, the Inactive Status List, or the Honorary Retired List of the Naval and Marine Corps Reserve.

(viii) Service shall not include periods for which the Naval Reserve Medal or the Organized Marine Corps Reserve Medal has been or may be awarded.

(ix) Naval Reserve personnel who, prior to September 12, 1958, were eligible to receive the Naval Reserve Medal may at their election be awarded in lieu thereof the Armed Forces Reserve Medal, provided they have met the requirements of paragraph (i) (2) of this section.

(x) Marine Corps Reserve personnel who, until December 17, 1965, are eligible to receive the Marine Corps Reserve Ribbon, may at their election be awarded in lieu thereof, the Armed Forces Reserve Medal provided they have met the requirements of paragraph (i) (2) of this section.

(3) *Hour Glass Device.* An Hour Glass Device is authorized to denote each subsequent award earned.

(j) *Marine Corps Reserve Ribbon*—(1) *Authorization.* Letter of the Secretary of the Navy of December 17, 1945.

(2) *Eligibility requirements*—(i) *General.* Issued by the Commandant of the Marine Corps to any member of the Marine Corps Reserve who completes or has completed 10 years of honorable service in any class or combination of classes of the Marine Corps Reserve and whose subsequent service, if any, is satisfactory. This ribbon will not be awarded for service performed after December 17, 1965, at which time it will be superseded by the Armed Forces Reserve Medal.

(ii) *Specific.* (*a*) Service on active duty, except training duty and duty during a national emergency or war, and service counted for eligibility for the Organized Marine Corps Reserve Medal may not be counted in computing the 10 years' service.

(*b*) No person who was a member of the Marine Corps Reserve in time of war and who did not serve on active duty during the course of the war may be eligible for this award.

Subpart F—Foreign Awards and Non-U.S. Service Awards to U.S. Personnel

§ 733.61 Definitions.

(a) A foreign decoration is a decoration given to an individual by a foreign government.

(b) A non-U.S. service award is a service award given to an individual by a government or group of governments

outside the jurisdiction of the United States.

(c) A foreign unit award is an award given to a ship or unit by a foreign government.

§ 733.62 Precedence.

(a) Foreign decorations take precedence immediately after all United States service awards. They take precedence in the order earned except that, when two or more foreign decorations are issued by the same country, they are worn in accordance with the precedence established by that country.

(b) Non-U.S. service awards take precedence immediately after all foreign decorations. The precedence of non-U.S. service awards for which personnel in the naval service are eligible to qualify is as follows:

(1) United Nations Service Medal.
(2) United Nations Medal.
(3) Philippine Defense Ribbon.
(4) Philippine Liberation Ribbon.
(5) Philippine Independence Ribbon.

(c) Foreign unit awards take precedence immediately after all non-U.S. service awards. The precedence of non-U.S. unit awards for which personnel in the naval service are eligible to qualify is as follows:

(1) Philippine Republic Presidential Unit Citation.
(2) Korean Presidential Unit Citation.
(3) State of Viet Nam Presidential Unit Citation (Ribbon of Friendship).

§ 733.63 Attachments.

(a) Attachments worn on foreign decorations are as authorized by the countries concerned.

(b) Bronze stars 3/16" in diameter are authorized to be worn on the Philippine Defense Ribbon and the Philippine Liberation Ribbon by personnel who qualify in accordance with the provisions of articles 631–3 and 631–4 of the Navy and Marine Corps Awards Manual.

§ 733.64 Issue and replacement.

Provisions for issue and replacement of foreign decorations are as established by the countries concerned. Ribbons listed in this subpart of those non-U.S. service and foreign unit awards for which personnel in the naval service are eligible may be purchased by the individual from commercial sources and from Ship's Stores and Navy or Marine Corps Exchanges.

§ 733.65 Foreign awards.

(a) *General policy.* No person holding any office of profit or trust under the United States shall, without the consent of the Congress, accept any decoration, award, gift, emolument, office, or title of any kind whatsoever from any king, prince, or official of a foreign government. A decoration, award, or gift tendered any officer of the United States, civil or military, by any foreign government shall be forwarded through the military department concerned to the Department of State where it will be held in escrow pending the consent of Congress.

(b) *Applicability.* (1) The policy set forth in paragraph (a) of this section applies to all members of the naval service on active or inactive duty, retired members, and all civilian employees of the naval service. The term "members of the naval service" includes members of the U.S. Navy and U.S. Marine Corps and members of Reserve components thereof.

(2) This policy is applicable even though the services for which the award is made are not related to the member's military duties or rendered in his capacity as a member.

(3) The policy is further applicable where the decoration, award, or gift, instead of being presented to a civil or military official of the Department of the Navy, is tendered to a member of his immediate family.

(4) For purposes of this subpart, decorations, awards, and gifts tendered by officials of any foreign national government or any foreign unit of government shall be treated in the same way as those tendered by the heads of foreign governments.

(5) The foregoing policies do not apply in the following circumstances:

(i) Posthumous awards: If the award is posthumous, it may be forwarded to the next of kin.

(ii) Subsequent death of recipient: If the recipient dies prior to receiving Congressional approval for the award, such award may be retrieved from the Department of State and forwarded to the next of kin.

(iii) Discharge of recipient: If the recipient is completely separated from the military service and is not employed in any other capacity by the United States Government, the award may be retrieved from the Department of State and forwarded to the recipient.

(iv) Recipient a member of the armed forces of a foreign nation: If the award was made at the time the recipient was a bona fide member of an armed force of a friendly foreign nation, the award requires no approval by Congress, provided the award is duly accepted in accordance with the regulations of the nation making the award prior to the recipient's entrance into active duty in the United States naval service. However, such recipient is required to apply to the Secretary of the Navy for authority to wear the medal on the uniform.

(c) *Procedures.* (1) In the event an individual is advised that a foreign nation has made an award to him and that his presence is desired at a formal presentation ceremony, the individual may participate in the ceremony and receive the tender of the award, except as provided in paragraph (d) of this section. The receipt of a foreign award under such circumstances will not constitute an acceptance of the award by the recipient. Immediately following the ceremony, a member of the naval service or a civilian employee of the Department of the Navy (except as specified in subparagraph (2) of this paragraph) to whom the award has been presented will forward the decoration with all appurtenances thereto and all papers, such as citation or diploma, to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, with a statement in explanation of the award.

(2) Civilian personnel employed by the Department of the Navy but assigned for duty to the Office of the Secretary of Defense will submit any decoration, award, or gift falling within the scope of this subpart to the Director, Office of Administrative Services, Department of Defense. Members of the naval service assigned to the Office of the Secretary of Defense will make their submissions to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, as prescribed in the preceding subparagraph.

(3) The Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, will obtain the necessary approval of the Chief of Naval Operations and forward all decorations, awards, and gifts falling within the scope of this subpart to the Department of State pending enactment of legislation authorizing acceptance by the recipient.

(4) The Department of State is directed by law to furnish each alternate Congress with an omnibus bill authorizing all officers and employees named therein to accept the decorations, awards, and gifts tendered to them by foreign governments. Those named therein are to include only those officials and employees who have retired permanently from Federal service.

(5) All members of the naval service and civilian employees of the Department of the Navy, upon their discharge or permanent retirement from Federal service, should notify the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, in order that action may be taken with reference to their awards.

(d) *Military Assistance Program.* (1) As an exception to the general policy and procedures set forth in paragraphs (a) and (c) of this section, the following prohibition shall apply to members of the naval service and civilian employees of the Department of the Navy performing any duty whatsoever in connection with the Military Assistance Program. Such personnel, regardless of assignment, may not accept the tender of any decoration, award, or gift from foreign governments for duty of this nature. Accordingly, participation in ceremonies involving any such tender is not authorized. In order to avoid embarrassment, the appropriate foreign officials should be acquainted with this prohibition.

(2) Where an award is proffered to a member of the naval service or a civilian employee of the Department of the Navy performing any duty in connection with the Military Assistance Program in recognition of actual combat services or heroism involving the saving of life, the prohibition of the preceding subparagraph is inapplicable.

§ 733.66 Non-U.S. service awards.

There are no restrictions on the acceptance of the non-U.S. service awards which have been authorized for eligible naval personnel and which are listed in § 733.62(b). Except for those listed in that section, it is not the policy of the Department of the Navy to permit naval

personnel to accept service medals from foreign governments.

§ 733.67 Foreign unit awards.

Three unit citations have been awarded by foreign governments to ships and units of the U.S. Armed Forces: Philippine Republic Presidential Unit Citation, Korean Presidential Unit Citation, and Viet-Nam Presideneial Unit Citation. The Secretary of the Navy has accepted these awards and has authorized eligible personnel to wear the ribbon bars on the uniform.

§ 733.68 Distribution.

Distribution of foreign awards is the responsibility of the country or organization which issues the award. In the case of the United Nations Service Medal and the United Nations Medal, a supply has been issued to each of the Armed Services for distribution to eligible personnel. The Philippine Defense, Liberation, and Independence ribbons and ribbons for the Philippine Presidential Unit Citation, Korean Presidential Unit Citation, and Viet-Nam Presidential Unit Citation may be purchased from commercial sources, Ship's Stores, and Navy or Marine Corps Exchanges.

§ 733.69 Requirements.

The authorization and special provisions for foreign awards are covered in § 733.64. The authorization, eligibility requirements, and special provisions for non-U.S. service awards are listed in article 631 of the Navy and Marine Corps Awards Manual, and the requirements are summarized in this section.

(a) *United Nations Service Medal.* Awarded to members of the Armed Forces of the United States who participated in the United Nations action in Korea and are eligible for the Korean Service Medal.

(b) *United Nations Medal.* Awarded to personnel of the armed forces who served with or for the United Nations in observing truce agreements or maintaining order. Personnel attached to and serving with the following organizations for a period of at least 6 months are eligible for the medal: United Nations Observation Group in Lebanon, United Nations Truce Supervision Organization in Palestine, and United Nations Military Observer Group in India and Pakistan.

(c) *Philippine Defense Ribbon.* Awarded to members of the Armed Forces of the United States who served in the Philippines during the period from December 7, 1941 to June 15, 1942, and meet specific requirements set forth in article 631–3b(2) of the Navy and Marine Corps Awards Manual.

(d) *Philippine Liberation Ribbon.* Awarded to members of the Armed Forces of the United States who served in the Philippines during the period from October 17, 1944, to September 2, 1945, and meet specific requirements set forth in article 631–4b(2) of the Navy and Marine Corps Awards Manual.

(e) *Philippine Independence Ribbon.* Awarded to members of the Armed Forces of the United States who meet the requirements for both the Philippine Defense Ribbon and the Philippine Liberation Ribbon.

(f) *Philippine Republic Presidential Unit Citation.* Approved by the Secretary of the Navy for wear by members of the naval service serving in units engaged in the defense of the Philippines between December 7, 1941, and May 5, 1942; serving in units which participated in the liberation campaign during 1944 and 1945; or serving in certain submarines which maintained physical contact with guerilla forces during the Japanese occupation of the Philippine Islands. All ships and units which earned any of the Philippine engagement stars are entitled to this award.

(g) *Korean Presidential Unit Citation.* Authorized to be worn by personnel who served with certain commands or with units of those commands which were individually cited by the President of the Republic of Korea for service in Korea. Lists of cited ships and units are maintained by the Chief of Naval Personnel and the Commandant of the Marine Corps.

(h) *State of Viet Nam Presidential Citation.* Authorized to be worn by personnel who served with certain units which were cited by the President of the State of Viet Nam for humanitarian assistance given by the members of these units during August and September 1954 in the evacuation of civilians from North and Central Viet Nam. Lists of cited ships and units are maintained by the Chief of Naval Personnel and the Commandant of the Marine Corps.

Subpart G—United States Awards to Foreign Personnel

§ 733.71 Definition.

A United States award to a foreign individual is a decoration awarded by the United States Government to a citizen of a foreign country.

§ 733.72 Decorations awarded to foreign personnel.

U.S. decorations which may be legally awarded to foreign personnel are: Distinguished Service Medal, Navy Cross, Silver Star Medal, Legion of Merit (in four degrees), Distinguished Flying Cross, Navy and Marine Corps Medal, Bronze Star Medal, Air Medal, Navy Commendation Medal, and National Security Medal. The decorations considered more appropriate to award to foreign citizens, however, are: Legion of Merit (in four degrees), Navy Commendation Medal, and National Security Medal.

§ 733.73 Unit awards and service medals.

(a) *Awards made to foreign units.* The Presidential Unit Citation and the Navy Unit Commendation may be awarded to units of the armed forces of cobelligerent nations serving with the Armed Forces of the United States for outstanding performance under the same criteria as applicable for such awards to units of the Armed Forces of the United States (§ 733.37 (a)(2), (b)(2)).

(b) *Service medals.* It is not the policy of the Department of the Navy to award service medals to foreign personnel.

§ 733.74 Precedence and method of wearing.

The order of precedence of U.S. decorations awarded to foreign personnel and the method of wearing them are as prescribed by the recipients' respective governments.

§ 733.75 Recommendations.

Recommendations for the Navy's award of decorations to foreign personnel will be prepared and forwarded to the Secretary of the Navy in the same manner as recommendations for U.S. awards to U.S. military personnel (see § 733.22). All proposals for awards to foreign personnel (except the award of the Commendation Medal to personnel below flag or general rank) will be submitted by the Secretary of the Navy to the Secretary of Defense for approval prior to announcement.

§ 733.76 Limitations.

(a) The Navy Medal of Honor, Secretary of the Navy Commendation for Achievement, and Purple Heart may not be awarded to personnel of foreign nations.

(b) The Distinguished Service Medal shall be awarded to personnel of foreign nations only under the most exceptional circumstances, and only after approval by the President.

(c) The Legion of Merit in the degree of Chief Commander will be awarded to military personnel of foreign nations only after approval by the President. The Legion of Merit in the degrees of Commander, Officer, and Legionnaire will be awarded only after approval by the Secretary of Defense. The second or succeeding award of this decoration must be in the same or a higher degree than the previous award. Awards in the degrees of Chief Commander and Commander are comparable to the award of the Distinguished Service Medal and in the degrees of Officer and Legionnaire are comparable to the award of the Legion of Merit to personnel of U.S. Armed Forces. (If a second or succeeding award is in the same degree as the previous award, another medal will be issued, as well as a Gold Star to indicate the second or subsequent award.)

(d) The Navy Commendation Medal will be awarded to foreign military personnel of flag or general rank only after approval of the Secretary of Defense.

§ 733.77 State Department coordination and government clearances.

Necessary coordination with the Department of State and clearance with the respective governments will be accomplished at administrative levels within the Offices of the Secretary of Defense and the Chief of Naval Operations.

§ 733.78 Presentation of awards.

If the recipient is in Washington, D.C., or vicinity, presentation of the medal, citation, and certificate will be made in the name of the President of the United States by the Secretary of the Navy or such officer as he may direct as his per-

sonal representative. Otherwise, it will be made in the name of the President by a designated senior officer of the U.S. Navy or an official of the Department of State.

§ 733.79 Requirements.

The authorization, eligibility requirements, and special provisions for decorations appropriate for issuance to foreign nationals by the Department of the Navy are listed in this section.

(a) *Legion of Merit*—(1) *Authorization.* 10 U.S.C. 1121.

(2) *Eligibility requirements.* Awarded to foreign military personnel in one of the following degrees, which are listed in order of rank with the positions of personnel eligible for each:

(i) *Chief Commander.* To foreign Chiefs of State or Heads of Government.

(ii) *Commander.* To the equivalent of a U.S. Military Chief of Staff or higher position but not to Chiefs of State.

(iii) *Officer.* To flag or general officers below the equivalent of a Military Chief of Staff; to Captains or Colonels or officers of comparable grades for service in assignments normally held by flag or general officers; to foreign military attaches.

(iv) *Legionnaire.* To all other eligibles.

The Legion of Merit in one of the foregoing degrees is considered the most appropriate decoration available as award to foreign military personnel in recognition of exceptionally meritorious conduct in the performance of outstanding service. No award of a lower degree will be made to a foreign national who has previously been awarded the Legion of Merit. The same or a higher degree may be awarded if subsequent services warrant. If the award is in the same degree, another medal will be issued, as well as a Gold Star to indicate the second or subsequent award.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(4) *Citation and certificate.* A citation and certificate are issued with this award to foreign personnel. The certificate for the degree of Chief Commander is signed by the President of the United States and the Secretary of Defense jointly.

(b) *Navy Commendation Medal*—(1) *Authorization.* Originally authorized by the Secretary of the Navy for U.S. military personnel by ALNAV 11 of January 11, 1944; the authority was extended on June 1, 1962, by the President of the United States to include award to foreign military personnel.

(2) *Eligibility requirements.* Awarded to a member of the armed forces of a friendly foreign nation who, after June 1, 1962, distinguishes himself by an act of heroism, extraordinary achievement, or meritorious service which has been of mutual benefit to a friendly foreign nation and the United States. To merit this award, the act, service, or achievement must be one which would satisfy the criteria governing the award of the Commendation Medal to a member of the U.S. Navy (see § 733.29(k)). The Navy Commendation Medal is considered the most appropriate decoration available to award foreign military personnel in recognition of heroic or meritorious achievement or service.

(3) *Combat distinguishing device.* A bronze letter "V" is authorized if the citation is for acts or services involving direct participation in combat operations.

(4) *Citation.* A citation is issued to the recipient and is signed by the Secretary of the Navy in his own name.

(c) *National Security Medal.* See Executive Order 10431, January 19, 1953 (18 F.R. 437).

Subpart H—Marksmanship Awards

§ 733.81 Definition.

A marksmanship award is an award bestowed upon an individual for proficiency in a particular type of small arm.

§ 733.82 Precedence.

Markmanship awards take precedence immediately after all service awards. The precedence of Navy and Marine Corps marksmanship awards is as follows:

(a) *Navy marksmanship awards.* (1) Distinguished Marksman Badge (ribbon bar no longer authorized).

(2) Distinguished Pistol Shot Badge (ribbon bar no longer authorized).

(3) National Trophy Match Rifleman Excellence in Competition Badge (Gold).

(4) National Trophy Match Pistol Shot Excellence in Competition Badge (Gold).

(5) Navy Rifleman Excellence in Competition Badge (Gold).

(6) Navy Pistol Shot Excellence in Competition Badge (Gold).

(7) Fleet Rifleman Excellence in Competition Badge (Gold).

(8) Fleet Pistol Shot Excellence in Competition Badge (Gold). National, Navy, and Fleet badges in silver and bronze continue in the above order with silver taking precedence over bronze.

(9) Expert Rifleman Medal.

(10) Expert Pistol Shot Medal.

(11) President's Hundred Award (enlisted personnel only).

(b) *Marine Corps marksmanship awards.* (1) Distinguished Marksmanship Badge.

(2) Distinguished Pistol Shot Badge.

(3) Lauchheimer Trophy Badge.

(4) Marine Corps Rifle Championship Badge.

(5) Marine Corps Pistol Championship Badge.

(6) Marine Corps Rifle Competition Badge (Gold).

(7) Marine Corps Pistol Competition Badge (Gold).

(8) Marine Corps Rifle Competition Badge (Silver).

(9) Marine Corps Pistol Competition Badge (Silver).

(10) Marine Corps Rifle Competition Badge (Bronze).

(11) Marine Corps Pistol Competition Badge (Bronze).

(12) Annual Rifle Squad Combat Practice Competition Badge (Gold, Silver, Bronze).

(13) Inter-Division Rifle Competition Badge (Gold).

(14) Inter-Division Pistol Competition Badge (Gold).

(15) Fleet Marine Force Combat Infantry Trophy Match Badge (Bronze).

(16) Division Rifle Competition Badge (Gold).

(17) Division Pistol Competition Badge (Gold).

(18) Division Rifle Competition Badge (Silver).

(19) Division Pistol Competition Badge (Silver).

(20) Division Rifle Competition Badge (Bronze).

(21) Division Pistol Competition Badge (Bronze).

(22) San Diego, Wharton, Elliott, Wirgman, Lloyd & Smith Trophy, Rifle Team Match Badges.

(23) Holcomb, Edson, Shively & Pacific Pistol Team Match Badges.

(24) Rifle and Pistol Qualification Badges. Rifle badges supersede pistol badges in the following categories:

(i) Expert.

(ii) Sharpshooter.

(iii) Marksman.

(25) Basic badges with bars denoting the weapon and category of qualification on Courses "A" and "B" as follows:

Course "A"
EX or SS—Submachine Gun

Course "B"
EX, SS, or MM–Rifle B

§ 733.83 Attachments.

(a) There are no attachments worn on Navy marksmanship awards.

(b) Attachments in the form of bars may be worn on Marine Corps marksmanship badges as provided in Marine Corps Order 3574.2 series.

§ 733.84 Issue and replacement.

Initial issuance of these awards will be in accordance with the provisions of § 733.13. Replacement of the Expert Rifleman and Expert Pistol Shot Medals will be in accordance with the provisions of § 733.15.

Replacement of badges will be only by purchase. For Marine Corps badges and bars, Marine Corps Orders 3591.2 series and 3574.2 series contain pertinent provisions.

§ 733.85 Administrative procedures and requirements.

(a) Administrative procedures and requirements for the awarding of Navy marksmanship awards are set forth in Chapter 13 of the Landing Party Manual.

(b) Administrative procedures and requirements for the awarding of Marine Corps marksmanship awards are set forth in Marine Corps Orders 3591.2 series and 3574.2 series.

Dated: October 21, 1964.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 64–10863; Filed, Oct. 23, 1964; 8:48 p.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3460]

[Misc. 70449]

NEW MEXICO

Modifying Public Land Order No. 2198 of August 26, 1960 To Permit Mineral Leasing

Public Land Order No. 2198 of August 26, 1960, so far as it withdrew in paragraph 4 thereof, about 241,807.89 acres of lands relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921 (41 Stat. 1225–1239) is hereby modified to the extent necessary to permit leasing of the lands under the mineral leasing act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181) as amended and supplemented. The lands are located in the following townships:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 N., R. 5 W.,
Tps. 17 and 18 N., R. 6 W.,
Tps. 18, 19, and 20 N., R. 7 W.,
Tps. 17, 18, 19, 20, and 21 N., R. 8 W.,
Tps. 19 and 20 N., R. 9 W.,
Tps. 20 and 21 N., R. 10 W.,
Tps. 13, 15, 16, 17, and 21 N., R. 11 W.,
Tps. 18, 19, 21, and 23 N., R. 12 W.,
Tps. 17, 19, 21, 22, and 23 N., R. 13 W.,
T. 7 N., Rs. 15 and 16 W.,
T. 13 N., R. 17 W.,
Tps. 12 and 14 N., R. 18 W.,
Tps. 11, 14, and 15 N., R. 19 W.,
Tps. 11, 12, 13, 14 and 15 N., R. 20 W.,
Tps. 11, 12, 13, 14 and 15 N., R. 21 W.

Applications and offers received at or prior to 10:00 a.m. on November 25, 1964, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

OCTOBER 20, 1964.

[F.R. Doc. 64–10848; Filed, Oct. 23, 1964; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 535—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

Revocation

Public Law 87–346 amended the Shipping Act, 1916, by the addition of a new section 18(b) which provides for the filing of rates and charges by common carriers engaged in the foreign commerce of the United States. Previous to the enactment of Public Law 87–346, the Federal Maritime Board by its General Order 83 issued on December 13, 1957, and published in the FEDERAL REGISTER at 22 F.R. 10017 promulgated Part 235 of Title 46 (redesignated Part 535 on October 24, 1961, 26 F.R. 9945)—Schedules of Common Carriers By Water in Foreign Commerce, setting forth rules regarding the filing of schedules of rates and charges in foreign commerce.

The rules contained in Part 535 of Title 46 are no longer necessary, as section 18(b) of the Shipping Act, 1916, adequately covers the subject of tariff filings in the foreign commerce of the United States, and Part 535 is therefore revoked.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 64–10849; Filed, Oct. 23, 1964; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

SUBCHAPTER D—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS FOR BALANCE OF 22.5 PERCENT ON AWARDS MADE UNDER THE PROVISIONS OF THE PHILIPPINE REHABILITATION ACT OF 1946 IN EXCESS OF ₱1,000 ($500.00) EACH

PART 541—PROVISIONS OF GENERAL APPLICATION

PART 543—HEARINGS

Miscellaneous Amendments

1. Paragraph (g) of § 531.5 *Procedure for determinations of claims* is hereby amended to read as follows:

§ 531.5 **Procedure for determinations of claims.**

* * * * *

(g) Upon the expiration of 30 days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision shall, without further order or decision of the Commission, become the Commission's final determination and decision on the claim.

* * * * *

2. Section 541.2 *Consideration of claims* is hereby amended to read as follows:

§ 541.2 **Consideration of claims.**

In the event that a claim has been so prepared as to preclude processing thereof, the Commission may request the claimant to furnish whatever supplemental evidence, including the completion and execution of an official form, as may be essential to the processing thereof. If the evidence or official form requested is not received within the time allotted to claimant to furnish such evidence, the claim may be deemed to have been abandoned and will be disallowed.

3. Section 543.2 *Request for hearing* is hereby amended to read as follows:

§ 543.2 **Request for hearing.**

Claimant shall immediately notify the Commission, in writing, if a hearing is desired, and shall set forth his reasons in full for requesting the hearing, including any statement of law, or facts upon which the claimant relies. Such notifications must be received by the Commission before December 1, 1964, in order to receive consideration.

Dated: October 21, 1964.

EDWARD D. RE,
Chairman.

[F.R. Doc. 64–10862; Filed, Oct. 23, 1964; 8:48 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

[Defense Mobilization Order 8550.1]

DMO V–5—PROGRAMS FOR EXPANSION OF SUPPLIES OF MATERIALS NEEDED FOR DEFENSE PURPOSES IN THE EVENT OF A MAJOR DISASTER

DMO 8550.1—PROGRAM FOR EXPANSION OF SUPPLIES OF MATERIALS NEEDED FOR DEFENSE PURPOSES IN THE EVENT OF A MAJOR DISASTER (AS DEFINED AND DETERMINATED UNDER P.L. 875, 81st CONGRESS (42 U.S.C. 1855))

1. *Purpose* This order sets forth policy for the expansion of materials supplies in event of a major disaster.

2. *Cancellation.* Defense Mobilization Order V–5, dated November 15, 1955 (20 F.R. 8519), is hereby superseded.

3. *Policy.* By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended; the Strategic and Critical Materials Stock Piling Act; the National Security Act of 1947, as amended; and Executive Order 11051, it is hereby ordered that:

Where a major disaster, as defined and determined under the provisions of the Act entitled "An Act to Authorize Federal Assistance to States or Local Governments in Major Disasters, and for other purposes" (P.L. 875, 81st Congress (42 U.S.C. 1855)), has either reduced the supplies of materials needed for defense purposes or has increased defense requirements for such materials, all agencies having emergency preparedness assignments shall promptly recommend appropriate programs to the Office of Emergency Planning for expansion of supply under authority of the Defense Production Act of 1950, as amended.

4. *Effective date.* This order is effective the date of issuance.

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-10845; Filed, Oct. 23, 1964; 8:47 a.m.]

[Defense Mobilization Order 8550.2]

DMO V-6—PROVISION OF MATERIALS UNDER GOVERNMENT CONTROL AS NEEDED TO SUPPLEMENT SUPPLIES COMMERCIALLY AVAILABLE IN THE EVENT OF A MAJOR DISASTER FOR USE IN RECONSTRUCTION OR TO MEET DEFENSE ORDERS

DMO 8550.2—PROVISION OF MATERIALS UNDER GOVERNMENT CONTROL AS NEEDED TO SUPPLEMENT SUPPLIES COMMERCIALLY AVAILABLE IN THE EVENT OF A MAJOR DISASTER (AS DEFINED AND DETERMINATED UNDER P.L. 875, 81st CONGRESS (42 U.S.C. 1855))

1. *Purpose.* This order sets forth policy for the utilization of Government-owned materials in the event of a major disaster.

2. *Cancellation.* Defense Mobilization Order V-6 dated November 15, 1955 (20 F.R. 8520) is hereby superseded.

3. *Policy.* By virtue of the authority vested in me pursuant to the Defense Production Act of 1950, as amended; the Strategic and Critical Materials Stock Piling Act; the National Security Act of 1947, as amended; and Executive Order 11051, it is hereby ordered that:

Where a major disaster, as defined and determined under the provisions of the Act entitled "An Act to Authorize Federal Assistance to States or Local Governments in Major Disasters", and for other purposes (P.L. 875, 81st Congress (42 U.S.C. 1855)), has impeded production or movement of materials essential to defense purposes (including meeting of defense orders and the reconstruction of facilities essential to the mobilization base) all agencies having emergency preparedness assignments shall promptly advise the Office of Emergency Planning of the quantities and qualities of materials needed for specific defense projects. In the event that other measures cannot make adequate provision for supplying the needed materials, then the OEP will arrange with the General Services Administration for release of materials from the Defense Production Act Inventory. Where appropriate, the OEP will arrange with the Department of Agriculture for sale of such materials from the Commodity Credit Corporation inventories.

4. *Effective date.* This order is effective the date of issuance.

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
Director, Office of Emergency Planning.

[F.R. Doc. 64-10846; Filed, Oct. 23, 1964; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Seasons and Limits; Pacific Flyway States; Waterfowl

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of May 6, 1964 (29 F.R. 5957), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations, to specify, among other things, open seasons for the taking of migratory game birds. All interested persons were invited to submit their views, data, or arguments regarding such proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., within 30 days following publication of the Notice.

Subsequently, after giving due consideration to the status of migratory game bird populations and to all comments received, open season dates for the hunting of migratory game birds were adopted. When these open season dates were adopted it was intended that the hunting of Canada geese in a certain portion of California Fish and Game District No. 22 be permitted during the period from October 24, 1964, through December 27, 1964, and that the hunting of all other species of geese in this area be permitted during the period from October 24, 1964, through January 10, 1965.

However, contrary to the intended meaning, the wording of the regulation as adopted would restrict the hunting of all species of geese in this area to the period from October 24, 1964, through December 27, 1964. The purpose and effect of this amendment is to permit the hunting of all species of geese other than Canada geese in this area during the period from October 24, 1964, through January 10, 1965, as was originally intended.

Since this amendment will benefit the public by relieving an existing restriction, it shall become effective upon publication in the FEDERAL REGISTER.

Footnote 5 of paragraph (e) of § 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

* * * * *

(e) *Pacific Flyway States—waterfowl.* * * *

[5] California: In that portion of the State lying east and north of a line beginning at the point where U.S. Highway 99 intersects the California-Oregon State line; thence south and east on U.S. Highway 99 to the junction with State Highway 89; thence south and east on State Highway 89 to the junction with alternate U.S. Highway 40; thence south and east on alternate U.S. Highway 40 to the point of intersection with the California-Nevada State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 10–Jan. 7. In this area the basic daily bag limit on ducks other than mergansers is 4 and the possession limit is 8.

In that portion of California Fish and Game District No. 22 lying east of a line beginning at the point where U.S. Highway 95 intersects the California-Nevada State line; thence south on U.S. Highway 95 to Blythe; thence south on the paved and graded road from Blythe through Ripley, Palo Verde and Ogilby to the intersection with U.S. Highway 80; thence east on U.S. Highway 80 to the intersection with the California-Arizona State line, the open season for taking ducks, coots, gallinules, and geese is Oct. 13–Jan. 10. In this area the basic daily bag and possession limit on ducks other than mergansers is 5; and the daily bag and possession limit on geese may not include more than 2 Canada geese or subspecies. In the remainder of California Fish and Game District No. 22, the open season for taking Canada geese is from Oct. 24–Dec. 27 and the daily bag and possession limit may not include more than 1 Canada goose or subspecies.

* * * * *

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10250, 16 F.R. 5385, 3 CFR 1949–1953 Comp. p. 757)

FRANK P. BRIGGS,
Acting Secretary of the Interior.

OCTOBER 20, 1964.

[F.R. Doc. 64-10850; Filed, Oct. 23, 1964; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1071, 1073, 1074]

[Docket Nos. AO–173–A16, AO–249–A6, AO–227–A16]

MILK IN WICHITA, KANSAS, SOUTHWEST KANSAS AND NEOSHO VALLEY MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held at the Holiday Inn (Midtown), 1000 North Broadway, Wichita, Kansas, beginning at 9:00 a.m., local time, on Thursday, October 29, 1964, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Wichita, Kansas, Southwest Kansas and Neosho Valley marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Southwest Milk Producers Association:

Proposal No. 1. Increase the Class I prices under the Wichita, Southwest Kansas, and Neosho Valley orders 25 cents per hundredweight through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 4809 East First Street, P.O. Box 1979, Wichita, Kans., 67201, or 308 North Walnut, P.O. Box 601, Pittsburg, Kans., 66762, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on October 20, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64–10851; Filed, Oct. 23, 1964; 8:47 a.m.]

[7 CFR Part 1132]

[Docket No. AO–262–A10]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Holiday Inn, West, 601 NW. 8th Avenue, Amarillo, Tex., beginning at 9:30 a.m., local time, on Friday, October 30, 1964, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas Panhandle marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the proposed amendments, hereinafter set forth, and any temporary or other appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the North Texas Producers Association:

Proposal No. 1. Increase the Class I price under the Texas Panhandle order 25 cents per hundredweight through March 1965.

Proposed by the Milk Marketing Orders Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Byford W. Bain, 2621 West Mockingbird Lane, Post Office Box 35225, Airlawn Station, Dallas, Tex., 75235, or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on October 21, 1964.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 64–10872; Filed, Oct. 23, 1964; 8:48 a.m.]

Agricultural Stabilization and Conservation Service

[7 CFR Parts 723, 724]

TOBACCO

Notice of Determinations To Be Made With Respect to Marketing Quotas for 1965–66, 1966–67 and 1967–68 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary of Agriculture is preparing to (a) proclaim a national marketing quota for the three marketing years beginning October 1, 1965, October 1, 1966 and October 1, 1967, for burley (type 31) tobacco, Virginia sun-cured (type 37) tobacco, and cigar-filler (type 41) tobacco; (b) determine and announce the amount of the national marketing quota for the 1965–66 marketing year for each of the three above-named kinds of tobacco, and for fire-cured (type 21) tobacco, fire-cured (types 22, 23 and 24) tobacco, dark air-cured (types 35 and 36) tobacco, Maryland (type 32) tobacco, cigar-binder (types 51, 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54, 55) tobacco; (c) apportion the national marketing quota for the 1965–66 marketing year for each of such kinds of tobacco among the several States; and (d) convert the State marketing quotas for the 1965–66 marketing year into State acreage allotments.

The Act (7 U.S.C. 1312(a)) provides that the Secretary shall proclaim not later than February 1 (of any marketing year), with respect to these kinds of tobacco, a national marketing quota for any of such kinds of tobacco for each of the next three succeeding marketing years whenever he determines with respect to such kind of tobacco—

(1) That a national marketing quota has not previously been proclaimed and the total supply as of the beginning of such marketing year exceeds the reserve supply level therefor;

(2) That such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect;

(3) That amendments have been made in provisions for establishing farm acreage allotments which will cause material revision of such allotments before the end of the period for which quotas are in effect;

(4) That a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers: *Provided*, That if such producers have disapproved national marketing quotas for three successive years subsequent to 1952, thereafter a national

marketing quota shall not be proclaimed hereunder which would be in effect for any marketing year within the three-year period for which national marketing quotas previously proclaimed were disapproved by producers, unless prior to November 10 of the marketing year one-fourth or more of the farmers engaged in the production of the crop of tobacco harvested in the calendar year in which such marketing year begins petition the Secretary, in accordance with such regulations as he may prescribe, to proclaim a national marketing quota for each of the next three succeeding marketing years.

The 1964–65 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco and for Virginia sun-cured tobacco (27 F.R. 2679). Growers of cigar-filler (type 41) tobacco disapproved quotas for the three marketing years beginning October 1, 1962, October 1, 1963, and October 1, 1964 (27 F.R. 2679), and quotas were not in effect on such kind of tobacco during any of the three marketing years 1962–63, 1963–64 and 1964–65. No petition was submitted by growers of cigar-filler (type 41) tobacco to the Secretary in accordance with regulations (27 F.R. 2679) pursuant to paragraph (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended. Quotas have never been approved by growers for cigar-filler (type 41) tobacco.

Growers of fire-cured tobacco and dark air-cured tobacco favored marketing quotas being in effect for the 1965–66 marketing year in referenda (29 F.R. 3697). Maryland tobacco growers favored marketing quotas being in effect for the 1965–66 marketing year in a referendum (28 F.R. 2526). Growers of cigar-binder (types 51 and 52) tobacco and growers of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco favored quotas being in effect for the 1965–66 marketing year in referenda (28 F.R. 2888).

Subsection 301(b)(15) of the Act (7 U.S.C. 1301(b)(15)) defines "tobacco" as each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13 and 14;
Fire-cured tobacco, comprising type 21;
Fire-cured tobacco, comprising types 22, 23 and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54 and 55; and
Cigar-filler tobacco, comprising type 41.

Subsection 301(b)(15) also provides that any one or more of the types comprising any such kind of tobacco shall be treated as a "kind of tobacco" for the purposes of the Act if the Secretary finds that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Pursuant to this authority, the Secretary has determined (15 F.R. 8214) that type 46 tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports. Pursuant to such authority, the Secretary has also determined (22 F.R. 367) that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for purposes of marketing quotas and price supports.

Subsection 312(b) of the Act (7 U.S.C. 1312(b)) provides that the Secretary shall also determine and announce, not later than the first day of February 1965 with respect to burley, fire-cured (type 21), fire-cured (types 22, 23 and 24), dark air-cured, Virginia sun-cured, Maryland, cigar-filler (type 41), cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, the amount of the national marketing quota which is in effect for the 1965–66 marketing year in terms of the total quantity of tobacco which may be marketed which will make available during such marketing year a supply of each kind of tobacco equal to the reserve supply level. Subsection 312(b) provides further that the amount of the 1965–66 national marketing quota may, not later than March 1, 1965, be increased by not more than 20 per centum if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The Act (7 U.S.C. 1301(b)) defines the "total supply" of tobacco for any marketing year as the carry-over at the beginning of the marketing year (on January 1 of such marketing year in the case of Maryland tobacco), plus the estimated production in the United States during the calendar year in which such marketing year begins. "Reserve supply level" is defined as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The Act (7 U.S.C. 1312(c)) requires that within 30 days after a national marketing quota is proclaimed for the 1965–66, 1966–67 and 1967–68 marketing years for (1) burley tobacco, (2) Virginia sun-cured tobacco and (3) cigar-filler (type 41) tobacco, the Secretary shall conduct referenda of farmers engaged in the production of the 1964 crops of burley tobacco, Virginia sun-cured tobacco, and cigar-filler (type 41) tobacco, respectively, to determine whether such farmers are in favor of or opposed to quotas for the next three succeeding marketing years. If more than one-third of the farmers voting in a referendum for a kind of tobacco oppose such quota, such results shall be proclaimed by the Secretary and the national marketing quota so proclaimed shall not be in effect but such results shall in no way affect or limit the subsequent proclamation and subsequent submission to a referendum, as otherwise provided in section 312 of the Act (7 U.S.C. 1312), of a national marketing quota.

The Act (7 U.S.C. 1313(a)) requires the Secretary to apportion the national marketing quota, less the amount to be allotted under subsection (c) of section 1313 for small farms and "new" farms, among the several States on the basis of the total production in each State during the five calendar years immediately preceding the calendar year in which the quota is proclaimed (plus, in applicable years, the normal production on the acreage diverted under previous agricultural adjustment and conservation programs), with such adjustments as are determined to be necessary to make correction for abnormal conditions of production, for small farms, and for trends in production, giving due consideration to seed bed and other plant diseases during such five-year period.

The Act (7 U.S.C. 1313(g)) provides that any acreage of tobacco harvested in excess of the farm acreage allotment for the year 1955 or any subsequent year shall not be taken into account in establishing State and farm acreage allotments.

Section 377 of the Act (7 U.S.C. 1377) reads as follows:

> In any case in which, during any year beginning with 1956, the acreage planted to a commodity on any farm is less than the acreage allotment for such farm, the entire acreage allotment for such farm (excluding any allotment released from the farm or reapportioned to the farm and any allotment provided for the farm pursuant to subsection (f)(7)(A) of section 344), shall, except as provided herein, be considered for the purpose of establishing future State, county and farm acreage allotments to have been planted to such commodity in such year on such farm, but the 1956 acreage allotment of any commodity shall be regarded as planted under this section only if the owner or operator on such farm notified the county committee prior to the sixtieth day preceding the beginning of the marketing year for such commodity of his desire to preserve such allotment: *Provided*, That beginning with the 1960 crop, except for Federally-owned land, the current farm acreage allotment established for a commodity shall not be preserved as history acreage pursuant to the provisions of this section unless for the current year or either of two preceding years an acreage equal to 75 per centum or more of the farm acreage allotment for such year was actually planted or devoted to the commodity on the farm (or was regarded as planted under provisions of the Soil Bank or the Great Plains program): *Provided further*, That this section shall not be applicable in any case,

within the period 1956 to 1959, in which the amount of the commodity required to be stored to postpone or avoid payment of penalty has been reduced because the allotment was not fully planted. Acreage history credits for released or reapportioned acreage shall be governed by the applicable provisions of this title pertaining to the release and reapportionment of acreage allotments.

Section 378 of the Act (7 U.S.C. 1378) provides that allotment acreage pooled under the provisions of such section shall be considered fully planted, during the time it is in the pool within the period of eligibility, for purposes of future State, county and farm allotments.

Section 316 of the Act, as amended (7 U.S.C. 1314(b)), provides that allotment acreage leased under the provisions of such section shall be considered planted on the farm from which leased.

The Soil Bank Act (7 U.S.C. 1801 et seq.) provides that the acreage withdrawn or diverted from the production of tobacco under the acreage reserve program and conservation reserve program shall for allotment purposes be considered devoted to the production of tobacco.

The Soil Bank Act also provides that insofar as the acreage of cropland on a farm covered by a Great Plains or conservation reserve contract enters into the determination of acreage allotments and marketing quotas, such cropland shall not be decreased during the period of the contract by reason of any action taken for the purpose of carrying out the contract. After expiration of such a contract, such law provides that the cropland shall not be decreased, for a period equal to the period of the contract, by reason of the maintenance of any change in land use from cropland to permanent vegetation carried out under the contract. Allotment history acreages are given similar protection for purposes of establishing future allotments.

Pursuant to Section 16(e)(6) of the Soil Conservation and Domestic Allotment Act, protection of allotment crop history and cropland status similar to that given under the Soil Bank Act is given to land covered by a cropland conversion agreement.

The Act (7 U.S.C. 1313(g)) authorizes the Secretary to convert State marketing quotas into State acreage allotments on the basis of average yield per acre for the State during the five years last preceding the year in which the national marketing quota is proclaimed, adjusted for abnormal conditions of production.

In making the determinations of the amounts of the national marketing quotas, the apportionment of the quotas among the several States, the conversion of State marketing quotas into State acreage allotments for each kind of tobacco covered by this notice, and of the date(s) of the referenda with respect to (1) burley tobacco, (2) Virginia sun-cured tobacco, and (3) cigar-filler (type 41) tobacco, consideration will be given to any data, views, and recommendations pertaining thereto, which are submitted in writing to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C., 20250. All submissions must be postmarked not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 20, 1964.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 64-10874; Filed, Oct. 23, 1964; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

PORT OF PASCAGOULA, MISSISSIPPI

Proposed Change in Area

OCTOBER 19, 1964.

The city of Pascagoula, Mississippi, recently extended its corporate limits eastward to the west bank of the Bayou Casotte, thereby extending the geographical limits of the customs port of entry, which presently coincide with the corporate city limits. Bayou Casotte is an industrial complex afforded direct access to the Gulf of Mexico by a deepwater channel. However, the large industrial facilities are located on the eastern side of the channel. At the same time, a general cargo dock is under construction, and, when completed, will result in increased activities requiring customs services. In order to provide the most expeditious customs services to this developed area, it is considered desirable to include this area within the port limits of Pascagoula.

Accordingly, notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), it is proposed that the geographical limits of the customs port of entry of Pascagoula, Mississippi, in Customs Collection District No. 19 (Mobile), comprising the corporate limits of the city of Pascagoula, be extended to include the corporate limits of the city of Pascagoula, plus that area lying eastward of the city limits to 88°28′ west longitude, and south of 30°23′ north latitude to the existing shoreline. It is further proposed to amend § 1.1(c) of the Customs Regulations to reflect this change.

Data, views, or arguments concerning the proposed extension of the geographical limits of the port of Pascagoula, Mississippi, may be addressed in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., 20226. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 30 days after publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-10856; Filed, Oct. 23, 1964; 8:47 a.m.]

[19 CFR Parts 3, 4]

NAVIGATION FEES; REIMBURSEMENT OF COSTS

Proposed Charge for Issuance of Yacht Commission to Documented Yacht of the United States

A charge should be imposed for the issuance of a yacht commission to a documented yacht to meet the intent of Congress expressed in section 501, Independent Offices Appropriation Act of 1952 (5 U.S.C. 140), that, among other things, any publication, report, document, or similar thing of value or utility, furnished, prepared, or issued by any Federal agency shall be self-sustaining to the full extent possible.

Notice is hereby given that pursuant to the authority contained in the above Act, it is proposed to amend §§ 3.53 and 4.98 (a) of the Customs Regulations to provide for the imposition and collection of a fee of $6.00 for the issuance of a yacht commission to documented vessels. If the proposed amendments are adopted, § 3.53 will be amended by the addition of a new paragraph which will read as follows:

A fee of $6.00 shall be paid for each yacht commission and each application shall be accompanied by a remittance in that amount.

and § 4.98(a) will be amended by the addition of a new fee, No. 12, which will read as follows:

		A	B
12	Issuing a yacht commission (5 U.S.C. 140, 46 U.S.C. 105)	6.00	6.00

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, and arguments with respect to the proposed fee may be addressed to the Commissioner of Customs, Washington, D.C., 20226, in writing. To assure consideration of such communications they must be received not later than 30 days after the publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: October 19, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64-10857; Filed, Oct. 23, 1964; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Regs. Docket No. 15545]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Results of Scheduled All-Cargo Services; Extension of Time for Filing Comments

OCTOBER 21, 1964.

The Board, by publication in 29 F.R. 13036 and by circulation of a notice of proposed rule making, EDR–71, dated September 14, 1964, gave notice that it has under consideration a proposed amendment to Part 241 of the Economic Regulations (14 CFR Part 241) which would provide for reporting separately results of scheduled all-cargo services by the all-cargo carriers and the trunkline and international passenger/cargo carriers. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of their views in writing addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428, on or before October 19, 1964.

A request has been received from the Air Transport Association, as the duly authorized agent of five air carriers, that the time for filing comments concerning the proposed rule be extended for fourteen days to November 2, 1964 in order to afford them time for further study of the proposed amendment to Part 241.

The undersigned finds that good cause has been shown for the extension of time requested. Accordingly, pursuant to authority delegated under section 7.3C of Public Notice PN–15, dated July 3, 1961, the undersigned hereby extends the date for submitting comments on the subject proposal until November 2, 1964. All relevant matter in communications received on or before that date will be considered by the Board before taking action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue N.W., Washington, D.C., upon receipt thereof.

(Secs. 204(a), 407, 1001, Federal Aviation Act of 1958, 72 Stat. 743, 766 and 788; 49 U.S.C. 1324, 1377, 1481)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Special Counsel Division.

[F.R. Doc. 64–10868; Filed, Oct. 23, 1964; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[AA 643.3–0]

BICYCLES FROM ITALY

Fair Value Determination

OCTOBER 19, 1964.

An allegation was received that bicycles from Italy, manufactured by Cesare Rizzato & C. s.n.c., Padova, Italy, were being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that bicycles from Italy, manufactured by Cesare Rizzato & C. s.n.c., Padova, Italy, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. All transactions were outright purchases. No relationship within the meaning of section 207 of the Antidumping Act existed between the seller and buyers. The quantities sold in the home market were adequate as a basis for comparison. It was determined, therefore, that the appropriate fair value comparison was between purchase price and adjusted home market price.

Purchase price was calculated on the basis of the manufacturer's export price list less inland charges, less certain applicable trade discounts, and less a cash discount.

Adjusted home market price was calculated on the basis of the manufacturer's home market price list, less inland charges, plus export packing, less certain applicable trade discounts, and less a cash discount. Other adjustments were made to the home market price for the cost of any differences in equipment or accessories between the bicycles sold in the home market and those exported to the United States.

Although the comparison revealed that the purchase price was less than adjusted home market price, sales at such prices have ceased, and the manufacturer has given his assurances that no further sales will be made in which the purchase price will be less than the adjusted home market price.

As to sales involving margins made before the receipt of the assurances, it was determined that the quantities involved were not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–10858; Filed, Oct. 23, 1964; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARGARET d'HARNONCOURT AND ISOLDE WIENER

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Margaret d'Harnoncourt, 2870 Mathers Avenue, West Vancouver, B.C., Canada, $51,068.15 in the Treasury of the United States; and Isolde Wiener, Villa Tegethoff, Radegund bei Graz, Austria, Claim No. 5277, $51,068.15 in the Treasury of the United States. Vesting Order No. 1568.

Executed at Washington, D.C., on October 16, 1964.

For the Attorney General.

ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 64–10878; Filed, Oct. 23, 1964; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Small Tract Classification Orders Canceled in Their Entirety

OCTOBER 16, 1964.

1. Pursuant to the authority redelegated to me by Bureau Order 684, dated August 28, 1961 (26 F.R. 6215), as amended by the Alaska State Director in section 1, Delegation of Authority (29 F.R. 3015), dated February 27, 1964, it is hereby ordered that effective at 10:00 a.m. on October 27, 1964 the following Small Tract Classifications are canceled in their entirety:

a. No. 11, dated May 17, 1949
b. No. 17, dated November 15, 1949
c. No. 18, dated November 16, 1949
d. No. 22, dated March 23, 1950
e. No. 25, dated June 22, 1950
f. No. 32, dated September 27, 1950
g. No. 33, dated September 27, 1950, as amended
h. No. 36, dated August 7, 1951
i. No. 51, dated January 29, 1952, as amended
j. No. 73, dated May 5, 1953, as amended
k. No. 74, dated June 17, 1953, as amended
l. No. 75, dated June 17, 1953
m. No. 97, dated April 22, 1955, as amended
n. No. 121 dated December 6, 1963
o. No. 122 dated December 5, 1963.
p. No. 123 dated December 6, 1963
q. No. 125, dated April 17, 1964
r. No. 126, dated April 28, 1964
s. No. 127, dated May 1, 1964
t. No. 129, dated May 7, 1964

2. The above orders affected 9,216.4 acres of land, all of which is now patented or has been selected by the State of Alaska.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 64–10864; Filed, Oct. 23, 1964; 8:48 a.m.]

[BLM 079868; Survey Group 31]

ALABAMA

Notice of Filing of Plat of Survey

Correction

In F.R. Doc. 64–9990, appearing at page 13578 of the issue for Friday, October 2, 1964, the bracket in the heading should read as set forth above.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SOUTHERN COLORADO LIVESTOCK COMMISSION CO., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below:

COLORADO

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
Southern Colorado Livestock Commission Co., Pueblo, Sept. 15, 1959.	Southern Colorado Livestock Commission Co., Inc., September 1, 1964.
Salida Livestock Commission Co., Inc., Salida, Mar. 11, 1957.	Salida-Monte Vista Livestock Commission Co., Inc., Aug. 26, 1964.
Wray Livestock Commission Company, Wray, March 6, 1957.	Ranchland Livestock Commission Co., Inc., Sept. 10, 1964.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
GEORGIA	
Carroll County Livestock Sales Barn, Carrollton, May 18, 1959.	Carroll County Livestock Sales Barn, Inc., Aug. 1, 1964.
ILLINOIS	
Carthage Community Sales Barn, Carthage, December 2, 1959.	Carthage Community Sales Company, October 8, 1964.
IOWA	
Belle Plaine Livestock Commission Company, Belle Plaine, April 2, 1957.	Belle Plaine Livestock Auction, Inc., August 1, 1964.
Forest City Auction Co., Forest City, May 15, 1959.	Cow Palace, Inc., July 7, 1964.
KANSAS	
Tri-State Sale Co., Inc., Elkhart, April 13, 1950.	Tri-State Sales Co., July 1, 1964.
Koenig Sale Barn, Junction City, June 10, 1959.	J. C. Livestock Sales, Inc., July 20, 1964.
The Lawrence Livestock Sale, Lawrence, Feb. 15, 1963.	Lawrence Livestock Sale, Aug. 27, 1964.
MICHIGAN	
Hart-Scottville Livestock Sales, Inc., Hart, May 14, 1959.	Hart-Scottville Livestock Sales, Aug. 1, 1964.
Hart-Scottville Livestock Sales, Inc., Scottville, May 14, 1959.	Hart-Scottville Livestock Sales, Aug. 1, 1964.
MINNESOTA	
Zumbrota Sales Pavilion, Zumbrota, Feb. 5, 1963.	Zumbrota Livestock Auction Market, Inc., Sept. 22, 1964.
MISSOURI	
Beever Sales Pavilion, Chillicothe, July 24, 1957.	Chillicothe Livestock Auction, Inc., March 19, 1964.
NEBRASKA	
The Chappell Livestock Commission Co., Chappell, Sept. 11, 1939.	Chappell Livestock Auction, Inc., Aug. 31, 1964.
NORTH DAKOTA	
Napoleon Livestock Auction, Inc., Napoleon, Nov. 5, 1959.	Napoleon Livestock Auction, Aug. 17, 1964.
PENNSYLVANIA	
Montague Livestock Auction, Union City, Dec. 9, 1959.	Montague Livestock Auction, Inc., July 1, 1964.
TENNESSEE	
Nichols, Brown and Anderson Sales Barn, Thompson Station, May 6, 1959.	Nichols and Moore Sales Barn, Oct. 1, 1964.
TEXAS	
Abilene Livestock Auction Commission Co., Abilene, March 17, 1941.	Abilene Auction, May 1, 1964.
Southwest Livestock Auction Co., Uvalde, June 12, 1957.	Southwest Livestock Auction, Inc., June 17, 1964.
VIRGINIA	
Farmville Livestock Market, Farmville, March 20, 1961.	Farmville Livestock Market, Inc., Jan. 1, 1964.
WASHINGTON	
Farmers Auction, Everson, Oct. 5, 1959.	Farmer's Auction, Sept. 18, 1964.
Northwest Livestock Auction Cooperative, Inc., Marysville, Feb. 27, 1962.	Marysville Livestock Auction, Sept. 22, 1964.
Stock Land Union Stockyards Co., Spokane, Nov. 1, 1921.	Stockland Union Stockyards, May 21, 1964.
WISCONSIN	
Wisconsin Dairy Herd Replacement & Livestock Marketing Co-op, Division of Wisconsin Federal Feeder Pig Co-op, Francis Creek, Sept. 2, 1964.	Wisconsin Dairy Herd Replacement & Livestock Marketing Cooperative, Division of Wisconsin Feeder Pig Marketing Cooperative, Sept. 2, 1964.

Done at Washington, D.C., this 21st day of October 1964.

H. L. JONES,
Chief, Rates and Registrations Branch, Packers and Stockyards Division, Agricultural Marketing Service.

[F.R. Doc. 64-10873; Filed, Oct. 23, 1964; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: Belcher Mining, Korvette, United Whelan, Atlas Chemical Industries, American Tobacco, Wood Newspaper Machinery, El Paso Natural Gas.

B. Additions: Signal Oil "A", National Tea, St. Regis Paper, General Time Corp.

This statement is made as of October 6, 1964.

WILLIAM M. FIRSHING.

OCTOBER 6, 1964.

[F.R. Doc. 64-10738; Filed, Oct. 23, 1964; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-30]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued the amendment set forth below to Facility License No. TR-3 to require the presence of a shift supervisor and an AEC licensed senior operator during operation of the Plum Brook Reactor facility. This amendment is a modification of Amendment No. 3 to the license which was issued on August 31, 1964, pursuant to notice given in accordance with § 2.204 of the Commission's "rules of practice," 10 CFR Part 2. In a request for hearing dated September 17, 1964, and in the subsequent correspondence referenced below (all of which are considered to constitute the application for this amendment), acceptable alternative requirements were developed.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

(2) Operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulation (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details, see the Commission's letter dated July 29, 1964, the licensee's reply dated August 18, 1964, the Commission's letter dated August 25, 1964, the Commission's letter dated August 31, 1964, the Request by the Licensee for Hearing on Amendment No. 3 to Facility License No. TR-3 dated September 17, 1964, the Commission's teletype message dated October 8, 1964, and the li-

censee's reply dated October 12, 1964, all on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., 20545.

Dated at Bethesda, Md., this 19th day of October 1964.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. TR-3, Amdt. 4]

Facility License No. TR-3, as amended, issued to National Aeronautics and Space Administration is hereby modified in the following respects:

1. Delete sub-paragraph N.5.b. from the Technical Specifications set forth in Appendix "A" to License No. TR-3, as amended.

2. Insert new sub-paragraph N.5.b. in the Technical Specifications set forth in Appendix "A" to License No. TR-3, as amended, as follows:

"A shift supervisor directly responsible for the safe operation of the facility, and an AEC licensed senior operator shall be present at all times during:

(1) Reactor operation, including but not limited to startup and approach to power, and recovery from an unplanned or unscheduled shutdown or significant reduction in power;

(2) Refueling of the reactor, manipulation of fueled experiments in any experimental facility of the reactor, and at all other times when containment is required.

In any instance where a shift supervisor is also a licensed senior operator, the presence of an additional senior operator is not required."

This amendment is effective as of the date of issuance.

Date of issuance: October 19, 1964.

For the Atomic Energy Commission.

[F.R. Doc. 64-10827; Filed, Oct. 23, 1964; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13777; Order No. E-21419]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1964.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17456, R-11 and R-12.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda JT31/Rates 363 and 364, names the following additional specific commodity rates:

Item	Agreement CAB 17456	IATA Memorandum	From	To	Rates in cents per Kg.	Minimum weight in Kgs.
[1] 4100	R-11	363	West Coast	Sydney	264/231	45/550
[2] 2199	R-12	364	Sydney	Honolulu	162	22.5
			do	New York	196	22.5
			do	West Coast	173	22.5

[1] Aircraft, Assembled or Disassembled and parts thereof.
[2] Yarn, Thread, Fibres, Textiles, Textile Manufactures and Wearing Apparel N.E.S. and parts thereof.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered:

That Agreement C.A.B. 17456, R-11 and R-12, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 64-10869; Filed, Oct. 23, 1964; 8:48 a.m.]

[Docket No. 13777; Order No. E-21421]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of October 1964.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 13777, Agreement C.A.B. 17666, R-61 and R-62.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda, names additional rates as set forth in the attachment hereto.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R-61 and R-62, be and hereby is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Item	Agreement CAB 17666	IATA Memorandum	From	To	Attachment	
					Rates in cents per Kg.	Minimum weight in Kgs.
[1] 8275	R-61	2047	Caracas	New York	26	100
[2] 4010	R-62	2051	Los Angeles	Buenos Aires	174/151	45/200
			do	Montevideo	174/151	45/200
			do	Lima	127/100	45/200
			do	Santiago	168/135	45/200
			do	Panama City	85/74	45/200

[1] Phonograph Records.
[2] Business and Office Machinery and Supplies, Machinery, Tools and Surface Vehicles, and Parts thereof, excluding Steamship and Motorship Spare Parts, N.E.S.

[F.R. Doc. 64-10870; Filed, Oct. 23, 1964; 8:48 a.m.]

[Docket No. 15383]

AERO LINEAS FLECHA AUSTRAL LIMITADA

Notice of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is reassigned to be held on November 16, 1964, at 10 a.m., e.s.t., in Room 925, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., October 20, 1964.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 64-10871; Filed, Oct. 23, 1964; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SO-21]

WALLACE E. JOHNSON, INC.

Termination of Study

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-4611) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Wallace E. Johnson, Inc., Memphis, Tennessee, is constructing a group of houses in Memphis, Tennessee, at approximately latitude 35°04'00" north, longitude 89°53'30" west. The maximum overall height of the structures would be 302 feet above mean sea level (24 feet above ground).

The aeronautical study disclosed that this construction, located north of and adjacent to the Memphis Flying Service Airport, created a hazardous situation for aeronautical operations at this airport.

During the study, the Agency was notified that the airport was closed permanently on September 30, 1964, thus it would no longer be a determining factor in this study.

Therefore, because of a change of circumstances, this study is hereby terminated and no determination will be issued.

Issued in Washington, D.C., on October 15, 1964.

GEORGE R. BORSARI,
Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-10833; Filed, Oct. 23, 1964; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15089 etc.; FCC 64M-1040]

SPANISH INTERNATIONAL TELEVISION CO., INC., ET AL.

Memorandum Opinion and Order Continuing Hearing

In re applications of Spanish International Television Company, Inc., Paterson, New Jersey, Docket No. 15089, File No. BPCT-3032; Bartell Broadcasters, Inc., Paterson, New Jersey, Docket No. 15091, File No. BPCT-3103; Trans-Tel Corp., Paterson, New Jersey, Docket No. 15092, File No. BPCT-3114; for construction permits for new television broadcast stations.

1. Under consideration is a "Joint Motion for Continuance of Hearing", filed jointly on October 19, 1964, on behalf of applicants Spanish International and Trans-Tel, and consented to by the other parties herein. Oral discussion, on the record, in regard to the problems arising from the matters mentioned in the motion papers was held today, during a hearing conference attended by counsel for the moving parties and counsel for the Commission's Broadcast Bureau.

2. The moving parties, as the basis for the relief requested, recite that as a consequence of negotiations among the applicants "during the past few days" it is now likely that an agreement "may be reached" whereby only one applicant will remain in hearing thus mooting the standard comparative issue. A "final accord" is promised within a few days and an appropriate petition for Commission approval thereof "in no event later than November 23, 1964".

3. As the hearing examiner declared during today's hearing conference, the transcript of which is hereby incorporated by reference, the examiner and the Broadcast Bureau have been imposed upon by the eleventh hour negotiations and the last minute notification thereof which was provided. This case has already been long delayed. There have been several prehearing conferences and several continuances granted for one reason or another. Extensive hearing exhibits have been exchanged, with copies provided the examiner and the Bureau, which have required the expenditure of considerable time and study. The October 20 hearing date was indeed regarded as very firm, that is until only yesterday when the present motion was submitted. Under the circumstances, the examiner considers the establishment of firm deadlines to be essential if these parties are not to take further advantages at the Commission's expense. Therefore, it shall be directed herein that the necessary petition for approval of the settlement agreement is to be on file at the Commission not later than November 23d and that hearing will be held on December 15th. The parties are advised that in the absence of such a petition, filed by the November 23d deadline, they will be expected to go forward with the hearing on December 15, in pain of being held in default in the event they are not ready. Also, in the event the requisite petition is filed on time they are expected, if further hearing proves to be necessary in regard to issues not mooted by their compact, to be ready, if at all feasible, to proceed with their proof under those issues on December 15.[1]

4. In granting the subject request for continuance the examiner takes into account the possibility that a settlement agreement by the parties, if approved by the Review Board, could materially advance the date of establishment of a UHF facility, and service for the areas to be served. This objective cannot be attained, however, if the agreement the parties submit cannot meet with Commission approval or the negotiations which are taking place are used as a vehicle for further delays.

Accordingly, it is ordered, This 20th day of October 1964, that the instant joint motion for continuance of the hearing is granted to the extent that the hearing is hereby postponed and will convene on Tuesday, December 15, 1964, at the Commission's offices, Washington, D.C., at 10 a.m.;

It is ordered further, That the requisite petition (and supporting documents) for approval of the settlement agreement, described above, will be filed with the Commission not later than by the close of business, November 23, 1964.

Released: October 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-10865; Filed, Oct. 23, 1964; 8:48 a.m.]

[1] If it shall appear that any hearing that must be held in the circumstances will necessarily run into the Christmas holiday season the examiner, however, will favorably consider a request for postponement at that time, if timely submitted, until the earliest practicable date in January 1965.

[Docket Nos. 15449–15450; FCC 64M–1039]

SPRINGFIELD TELECASTING CO. AND MIDWEST TELEVISION, INC.

Order Re Procedural Dates

In re applications of Springfield Telecasting Co., Springfield, Illinois, Docket No. 15449, File No. BPCT–2838; Midwest Television, Inc., Springfield, Illinois, Docket No. 15450, File No. BPCT–2846; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the "Joint Request for Postponement of Procedural Dates" filed by counsel for Springfield Telecasting Co., and Midwest Television, Inc., on October 14, 1964, requesting postponement in certain procedural dates heretofore scheduled and listed below;

It appearing, that the asserted immediate reason for the requested postponement in procedural dates is that representatives of these applicants have scheduled a meeting for the purpose of exploring the possibility of some resolution of the conflict between their pending applications;

It further appearing, that due to other intervening commitments of counsel for Springfield, the week of November 23 offers the most appropriate time for rescheduling the extended procedural dates; and

It further appearing, that counsel for the other parties herein have informally indicated that they interpose no objection to the extensions sought, and that the public interest in earlier inauguration of a new television service in Springfield could well be served if the conflict between the applicant's proposals is resolved without resort to an extensive hearing which the numerous and complex issues specified herein now foreshadow;

Accordingly, it is ordered, This 21st day of October 1964, that the "Joint Request" of the applicants is granted, and the procedural dates concerned are postponed as follows:

Procedure	From	To
Hearing conference	Oct. 22, 1964	Nov. 25, 1964 at 10:00 a.m.
Supplementation of pleadings re: Motion to dismiss Midwest's application	Oct. 19, 1964	Nov. 23, 1964.

Released: October 21, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–10866; Filed, Oct. 23, 1964; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65–8, etc.]

ATLANTIC REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 8, 1964.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 16, 1964 and published in the FEDERAL REGISTER July 25, 1964 (F.R. Doc. 64–7313; 29 F.R. 10404–10407), add footnote "4" after the increased rate shown for the following rate schedules:

Supplement Nos. 17 & 18 to Rate Schedule No. 20.
Supplement No. 7 to Rate Schedule No. 11.
Supplement No. 9 to Rate Schedule No. 15.
Supplement No. 8 to Rate Schedule No. 17.
Supplement No. 10 to Rate Schedule No. 18.
Supplement No. 8 to Rate Schedule No. 19.

Change footnote "4" to read "13" after Docket No. RI65–11, Humble Oil and Refining Company (Operator), et al., Rate Schedule No. 142, Supplement No. 6.

Add a new footnote 13 to read as follows:

[13] Includes partial reimbursement for 0.55 percent increase in New Mexico Emergency School Tax.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–10834; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RP64–9 etc.]

CITIES SERVICE GAS CO. ET AL.

Order Granting Intervention, Severing Proceedings, Consolidating Proceedings, Denying in Part and Granting in Part Motion for Reconsideration and Modification of Order Issued September 9, 1964

OCTOBER 19, 1964.

Cities Service Gas Company, Docket No. RP64–9; Area Rate Proceeding, et al. (Hugoton Anadarko Area), Docket No. AR64–1 etc.; Columbian Fuel Corporation, Docket Nos. RI61–316, RI61–518, RI62–49; Cities Service Oil Company, Docket Nos. RI63–485, RI65–269.

By order issued on September 9, 1964, the Commission, on motion filed by Cities Service Gas Company (Gas Company), provided that the issue of allowance for gas purchased from affiliated suppliers would be tried in a separate phase of Docket No. RP64–9. In that order the Commission stated that: "The test period to be used in the trial of the affiliated supplier issue is to be the same test period that is utilized in the trial of the other issues." Additionally, Gas Company was ordered to file its direct testimony and exhibits on the affiliated suppliers' cost on or before October 19, 1964.

On September 17, 1964, Cities Service Oil Company (Oil Company) and Columbian Fuel Corporation (Columbian)[1] filed a joint petition for leave to intervene in the above-entitled proceeding and, also, a joint motion for reconsideration and modification of our order issued September 9, 1964.

In their petition for leave to intervene, Movants state that they are affiliated with Gas Company and had assumed that the issue of gas sales made by them to the Gas Company would be tried in a separately docketed proceeding involving their rates for sales to the Gas Company. They further state that pursuant to the Commission's order of September 9, 1964, their rates for the sales to Gas Company will now be tried in this proceeding and, therefore, intervention in this proceeding is necessary to protect their interest in these premises.

In their motion for reconsideration and modification of our order issued September 9, 1964, Movants request:

(1) Deferral of the affiliated purchase gas cost issue in Docket No. RP64–9 pending determination of their rates in pending section 4(e) proceedings and Area Rate Proceedings;

(2) In the alternative, if the Commission requires the parties to go forward with the trial of this issue in Docket No. RP64–9, then Movants requests the following relief:

(a) This issue be tried in a separately docketed proceeding;

(b) Movants be granted additional time to January 7, 1965, for service of their testimony and exhibits in this proceeding; and

(c) Calendar year 1963 be designated as the test period;

(3) That the Commission grant such other and further relief as it may deem appropriate in the premises.

In support of their request for deferral, Oil Company and Columbian state that all of the rate schedules under which they sell gas to Gas Company are presently the subject of pending section 4(e) proceedings or the Area Rate Proceeding in Docket Nos. AR64–1, et al. Additionally, they state that the question of the proper basis for computing the allowance in a pipeline cost of service for gas purchased from an affiliated producer has been made a special issue by the Commission in Docket Nos. AR64–1, et al., a proceeding wherein Oil Company and Columbian are Respondents.

The collection by a pipeline company of any possible excessive rates and charges for any prolonged period of time even though collected under a refund obligation, as here, affords the consumers only a "somewhat illusory" bond of protection (*Federal Power Commission* v. *Tennessee Gas Transmission Co.*, 371 U.S. 145, 154). Therefore, the deferral of the trial of the affiliated supplier cost issue is not consistent with the public interest. However, in their petition for leave to intervene, Movants request the Commission to consolidate their pending dockets involving sales to the Gas Company with the proceeding in Docket No. RP64–9. The consolidation of those pending section 4(e) proceedings would permit a final determination of the just and reasonable charges for the transactions herein involved and would be consistent with our responsibilities under the Natural Gas Act. Accordingly, we will order the consolidation of the pending section 4(e) proceedings[2] with the trial of the affiliated purchased gas cost issue in Docket RP64–9. Inasmuch as Docket Nos. RI61–316, RI61–518, and RI62–49 have been previously consolidated in the Hugoton Anadarko Area Rate Proceeding, Docket Nos. AR64–1,

[1] Hereinafter designated jointly as "Movants."

[2] Those cases are as follows: Oil Company: Order issued October 12, 1960 (no docket number assigned) and Docket No. RI63–485. Columbian: Docket Nos. RI61–316, RI61–518, and RI62–49.

et al., those proceedings will be severed from that area rate proceeding.

Movants request that the affiliated purchased gas cost issue be docketed as a separate proceeding "so that [they] will not be required to participate and be charged with the proceedings in other phases of this case which do not affect their rates for sales to the Gas Company" (joint petition for leave to intervene, p. 12). However, there is no need to add to the number of docketed proceedings on hand by assigning a separate number to the trial of an issue inherently involved in a section 4(e) pipeline proceeding. Furthermore, the separate trial of this issue provided by our order issued September 9, 1964, will permit Movants to concentrate on this issue without being burdened by the trial of the issues in which they may have no interest. Therefore, the request to separately docket the trial of this issue should be denied.

In support of their request for additional time for preparation of evidence with regard to the subject issue, Movants state that the personnel responsible for the presentation of their evidence are presently "actively engaged in preparing data and doing other work in connection with various Commission proceedings, including among others, those at Docket Nos. AR61–2, et al., AR64–1, et al., AR64–2, et al." Additionally, Movants state that their accounting procedures and methods are presently in the process of being changed from a conventional tabulating equipment to a full computer data processing system. Movants request for additional time should be granted to the extent hereinafter ordered.

In support of their request to designate the calendar year of 1963 as the test period, Movants state that the data for 1963 would conform to the "known changes doctrine" and would be more representative and reliable for the purposes herein involved, as well as being more susceptible of compilation in a much shorter period of time. Additionally, Movants state that "the Gas Company has agreed to stipulate that data for the calendar year 1963 shall be considered as typical and representative of similar data for the test year on which the Gas Company is basing its rate increase." In view of these representations, and Gas Company's stipulation, Movants' request to submit evidence using the calendar year 1963 as the test period should be granted.

The Commission finds:

(1) Good cause exists for accepting for filing Movants joint petition for leave to intervene and for permitting Movants to intervene in Docket No. RP64–9 as hereinafter ordered.

(2) The motion filed on September 17, 1964, by the Oil Company and Columbian should be granted in part and denied in part as hereinafter ordered.

The Commission orders:

(A) Oil Company and Columbian are hereby permitted to intervene in Docket No. RP64–9 subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of each petitioner shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene; and: *Provided further,* That the admission of each petitioner shall not be construed as recognition by the Commission that it may be aggrieved by any order or orders entered in Docket No. RP64–9.

(B) The request by Oil Company and Columbian to defer the trial of the purchased gas cost issue in this proceeding pending determination of their rates in pending section 4(e) proceedings and Area Rate Proceedings is hereby denied.

(C) Docket Nos. RI61–316, RI61–518, and RI62–49 are hereby severed from the proceedings in Docket Nos. AR64–1, et al.

The proceedings instituted by order issued October 12, 1960, relating to Supplement No. 3 to Oil Company's FPC Gas Rate Schedule No. 42 (hereinafter to be designated as Docket No. R165–269 and the proceedings at Docket Nos. RI63–485, RI61–316, RI61–518, RI62–49 are hereby consolidated with Docket No. RP64–9 for the purposes of hearing and determination of the affiliated purchase gas cost issue.

(D) The request to separately docket the affiliated purchased gas cost issue is hereby denied.

(E) The request by Oil Company and Columbian for an extension of time within which to file their prepared testimony on the affiliated purchase gas cost issue is granted to the following extent: Paragraph (D) of the order issued September 9, 1964, is hereby modified to provide that the testimony and exhibits shall be filed with the Presiding Examiner and all parties of record as follows: Gas Company, Oil Company, and Columbian on or before December 21, 1964; Staff on or before February 23, 1965; Interveners on or before March 8, 1965.

(F) Paragraph (E) of the order issued herein on September 9, 1964, is hereby modified so that the prehearing conference established therein shall be held on March 23, 1965, without limitation upon the authority of the Presiding Examiner to convene conferences prior to, or subsequent to, the date herein fixed.

(G) The order issued herein on September 9, 1964, is hereby modified to permit Movants to submit evidence using the calendar year 1963 as the test period.

(H) In all other respects our order issued on September 9, 1964, shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10835; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket Nos. CP64–302, CP61–45]

COMMUNITY NATURAL GAS CO., INC., AND INDIANA NATURAL GAS CORP.

Order Consolidating Proceedings and Deferring Action Pending State Judicial Action

OCTOBER 16, 1964.

Community Natural Gas Co., Inc. (Community) an Indiana Corporation having its principal place of business in Owensville, Indiana filed on June 17, 1964, an application (Docket No. CP64–302), and on August 13, 1964, a supplement thereto and on August 17, 1964, an amendment thereto, pursuant to section 7(a) of the Natural Gas Act, for an order of the Commission directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transporation facilities with the facilities which Community proposes to construct, and to sell and deliver to Community the volume of natural gas estimated to be required for resale and distribution in the third year of operations in the town of Worthington, Indiana, all as more fully represented in the application in Docket No. CP64–302.

Community estimates its natural gas requirements as follows:

Year	Peak day (Mcf) [1]	Annual (Mcf) [1]
1st	444	49,917
2d	490	54,778
3d	538	59,937

[1] At 14.73 p.s.i.a.

Applicant proposes to construct and operate a distribution system in Worthington; approximately 2.25 miles of 4-inch lateral transmission line from the proposed interconnection with Texas Gas to the city-gate of Worthington; and the necessary regulating, odorizing and heating facilities.

Community estimates the cost of construction of its project will be $226,160, which it proposes to finance by the issuance of stock in the amount of $90,000 and issuance of $136,000 of 20-year first mortgage bonds bearing interest at not more than 6½ per cent. Of the 1800 shares of stock to be issued, 1500 shares will be purchased by board members and officers of the company, while 300 shares will be sold by private sale to individuals.

The supplement to the application alleges that Indiana Natural Gas Corporation (Indiana Natural) is also requesting an order of this Commission directing Texas Gas to supply it with natural gas for distribution in the town of Worthington. Community states that it has been granted a gas franchise by ordinance No. 3—1963, dated August 26, 1963, passed by the Board of Trustees of the town of Worthington and that subsequently, on November 6, 1963, said Board of Trustees adopted Ordinance No. 4—1963, which ordinance repealed its Ordinance No. 282 issuing a gas franchise to Indiana Natural. Community claims it has a gas franchise in full force and effect with respect to its authority to construct a gas distribution system and render service in Worthington. It further claims that Indiana Natural does not possess an effective and valid franchise to render such service.

On September 24, 1964, Indiana Natural advised this Commission by letter that it had filed with the Indiana Public Service Commission a petition requesting said Commission to issue a show cause order against Community requiring Community to show cause why it should not submit itself to the jurisdiction of the Commission for the purpose

of obtaining approval for the financing of Community's proposed construction of a natural gas distribution system within the town of Worthington. Indiana Natural further advised this Commission that it plans to file a declaratory judgment action in the Green County, Indiana Circuit Court to determine the franchise rights for the town of Worthington of Community and Indiana Natural.

Notice of Application and date of hearing was issued in Docket No. CP61–45 by the Secretary of the Commission on November 9, 1961 (26 F.R. 10817). Thereafter, on November 22, 1961, notice was issued postponing the hearing scheduled for December 20, 1961, to a date to be thereafter fixed by further notice. Said notice of postponement was published in the FEDERAL REGISTER on November 30, 1961 (26 F.R. 11310). By notice issued by the Secretary of the Commission on February 11, 1964, and published in the FEDERAL REGISTER on February 15, 1964 (29 F.R. 2529), Docket No. CP61–45 was consolidated for hearing with Indiana Natural Gas Corporation, Docket No. CP63–292 for the reason that the financing proposed by Indiana Natural Gas Corporation covered all its properties including the proposed construction in Docket No. CP61–45. Thereafter, separate plans of financing were proposed and pursuant to due notice issued June 23, 1964, Docket No. CP63–292 was heard upon a separate record on July 20, 1964.

Since both Indiana Natural and Community seek to serve Worthington, the Commisison would ordinarily order that these applications be consolidated and set for hearing. However, impending court action by Indiana Natural to determine which party holds a valid franchise may make a consolidated formal hearing unnecessary, since under section 7(a) an applicant must show that it is "legally authorized to engage in the local distribution" of natural gas. While we are of the opinion that we have jurisdiction to determine the question of the legal authority of the competitive 7(a) applicants to render service in Worthington, it appears that this is a matter better left for consideration in the local state courts. Accordingly we deem it appropriate to defer action on these applications pending state court action.

The Commission orders:

(A) Protests or petitions to intervene in Docket No. CP64–302 may be filed with the Federal Power Commission, 441 G Street NW, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 1, 1964.

(B) Action by this Commission on the above-docketed section 7(a) applications is hereby deferred pending final determination by Indiana state courts as to the validity of the franchises held by applicants.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10836; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65–101 etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 8, 1964.

In the Order Providing for Hearings on and Suspension of Proposed Changes in Rates, issued July 31, 1964 and published in the FEDERAL REGISTER August 11, 1964 (F.R. Doc. 64–7979; 29 F.R. 11512), change the price to read "16.5" in lieu of "16.0" after Docket No. RI65–111, Pan American Petroleum Corporation, Rate Schedule No. 101, Supplement No. 7.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10837; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI61–451]

PETROLEUM EXPLORATION, INC. OF TEXAS ET AL.

Order Substituting Respondent, Redesignating Proceeding, Accepting Successor's Agreement and Undertaking, and Denying Motion To Terminate Proceeding

SEPTEMBER 29, 1964.

On July 1, 1963, Petroleum Exploration, Inc. of Texas (PEI) filed a motion requesting that it be substituted as respondent in the above-designated rate suspension proceeding in lieu of Miami Petroleum Company, Inc. The motion further requests that the above-designated proceeding be terminated, or, in the alternative, that PEI be permitted to file an agreement and undertaking in lieu of a corporate surety bond.

The proceeding in Docket No. RI61–451 relates to the jurisdictional sale of natural gas by Miami Petroleum Company, Inc. (Miami) under its FPC Gas Rate Schedule No. 3 to El Paso Natural Gas Company (El Paso) from the Spraberry Field, Reagan and Upton Counties, Texas (Railroad Commission District No. 7–C). The present rate of 17.2295¢ per Mcf at 14.65 psia became effective subject to refund on November 15, 1961, under a surety bond.

In support of its motion that it be substituted for Miami, PEI states that it succeeded to all of the interests covered by Miami's FPC Gas Rate Schedule No. 3. Production ceased in July 1962, because of depletion of the reserves. PEI states that a total amount of $8,869.70, which PEI characterizes as de minimis, has been collected subject to refund, and requests that the proceeding be terminated.

By order issued November 22, 1963, the certificate of public convenience and necessity issued to Miami in Docket No. CI60–309 was amended to reflect PEI as the certificate holder, PEI's notice of succession was accepted, and Miami's FPC Gas Rate Schedule No. 3 was redesignated at PEI's FPC Gas Rate Schedule No. 10. By the same order, in Docket No. CI64–9, PEI was permitted, under section 7(b) of the Natural Gas Act, to abandon service under its FPC Gas Rate Schedule No. 10.

In our view, the amounts which have been collected subject to refund in this proceeding are not de minimis. For that reason we shall deny the motion to terminate. However, it appears appropriate to accept the agreement and undertaking filed by PEI in lieu of a surety bond.

The Commission finds: For the reasons set forth herein, it is necessary and proper in carrying out the provisions of the Natural Gas Act that PEI be substituted as respondent in the proceeding in Docket No. RI61–451 in lieu of Miami, that the proceeding be redesignated accordingly, that PEI's motion to terminate be denied, that the agreement and undertaking filed by PEI be accepted for filing, that Miami's refund obligation in this proceeding be discharged and that the surety bond filed in this proceeding by Miami on December 28, 1961, be discharged.

The Commission orders:

(A) The motion to terminate the proceeding in Docket No. RI61–451 filed by Petroleum Exploration, Inc. of Texas on July 1, 1963, is denied.

(B) Petroleum Exploration, Inc. of Texas is substituted as respondent in the proceeding in Docket No. RI61–451 in lieu of Miami Petroleum Company and the proceeding is redesignated accordingly.

(C) The agreement and undertaking filed by Petroleum Exploration, Inc. of Texas appears to be satisfactory and is accepted for filing.

(D) Miami Petroleum Company is released from its refund obligation in the proceeding in Docket No. RI61–451 and its surety bond filed on December 28, 1961, is discharged.

(F) Petroleum Exploration, Inc. of Texas shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and its agreement and undertaking shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64–10839; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. CP62–243 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

Order Fixing Date for Oral Argument

OCTOBER 19, 1964.

The Presiding Examiner on September 10, 1964, issued an Initial Decision in the above-captioned proceeding involving competitive applications to serve the St. Louis, Missouri, market area. Because of the importance of this proceeding we are, on our own motion, setting December 15, 1964, as the date upon which oral argument will be held before this Commission. Each participant who wishes to make an oral presentation on that date should, by November 2, 1964, file

written notice of such intent and at the same time indicate the amount of time desired. All participants with a common interest are requested to explore the possibility of making a combined presentation so as to avoid duplication of arguments.

The allowance of time for oral argument and the order of presentation will be determined after requests for allotments of time have been received.

The Commission orders:

(A) Oral argument shall be had in the above-captioned proceeding on December 15, 1964, in Washington, D.C., at a place and time to be designated at a later date.

(B) Each party desiring to present oral argument shall file such a request by November 2, 1964, indicating also the amount of time desired for presentation of argument.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10838; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. E-7163]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Order Amending Order Fixing Date of Hearing and Prescribing Procedure

SEPTEMBER 16, 1964.

By order of August 4, 1964, the hearing date was set herein and other times were prescribed. On September 11, 1964, Public Service Company of Indiana, Inc. (PSCI) filed its "Petition * * * For Reconsideration of Order Establishing Hearing Date and Prehearing Procedure". On that day, in response, the staff filed its concurrence to the revised date for hearing and prehearing procedures proposed by PSCI.

The Commission finds: It is appropriate and in the public interest that paragraphs (A) and (B) of this Commission's order fixing hearing and prescribing procedure issued on August 4, 1964, be amended to read as hereinafter provided.

The Commission orders: The order of August 4, 1964, in the above captioned proceeding is hereby amended so as to modify paragraph (A) to provide for the commencement of hearing on November 9, 1964, instead of October 26, 1964. The order of August 4, 1964, is also further amended to substitute the following for ordering paragraph (B):

(B) The following procedure is prescribed for the public hearing hereby provided for:

(1) The Commission staff shall file its prepared direct case not later than September 4, 1964.

(2) PSCI shall file its prepared case not later than October 29, 1964.

(3) All of the testimony, except exhibits, shall be in question and answer form.

(4) All exhibits (except those of which official notice may properly be taken) shall contain brief and appropriate titles, and the exhibits shall be fully explained in the prepared testimony by the witness or witnesses sponsoring them.

(5) Each witness shall execute an affidavit adopting the testimony for which he assumes responsibility and an original and two conformed copies of such affidavit shall be filed with his prepared testimony.

(6) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence they wish them to be marked for identification.

(7) Any motion to strike any part of the staff's direct testimony and exhibits (prior to cross examination) shall be filed with the Presiding Examiner or the Chief Examiner not later than October 16, 1964; answers thereto shall be filed by October 30, 1964; and rulings on such motions will be made by the Presiding Examiner at the time such testimony or exhibits are offered.

(8) Any motion to strike any part of PSCI's case, testimony and exhibits, shall be filed with the Presiding Examiner not later than November 16, 1964; answers thereto to be filed and rulings thereon to be made as the Presiding Examiner directs.

(9) After opening statements, and rulings on motions to strike are concluded, the proceeding shall continue with opportunity for cross examination of each staff witness.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10840; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65-38 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates; Correction

OCTOBER 8, 1964.

In the Order Providing For Hearings On And Suspension of Proposed Changes In Rates, issued July 29, 1964, and published in the FEDERAL REGISTER August 12, 1964 (F.R. Doc. 64-7984; 29 F.R. 11542-11546); In the chart after Docket No. RI65-38, Sinclair Oil & Gas Co., Rate Schedule No. 92, Supplement No. 6, change the Proposed Increased Rate to read "15.1772" in lieu of "15.772."

After Continental Oil Co., Docket No. RI65-51, change footnote "11" to read footnote "4".

Also change footnote "11" to read "4" after Docket No. RI65-54, Shell Oil Co. (Operator), et al., Rate Schedule No. 41, Supplement No. 20 and Docket No. RI65-52, Shell Oil Co. in the following rate schedules:

Supplement No. 12 to Rate Schedule No. 33, Supplement No. 8, Rate Schedule No. 40, Supplement No. 8, Rate Schedule No. 95, and Supplement No. 7, Rate Schedule No. 108.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 64-10841; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket Nos. CI63-869, CI64-1309]

TENNECO OIL CO. ET AL. AND CONTINENTAL OIL CO.

Notice of Applications

OCTOBER 19, 1964.

Take notice that on January 17, 1963, Delhi-Taylor Oil Corp. (Delhi-Taylor), filed in Docket No. CI63-869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Transcontinental Gas Pipeline Corp. for resale from the North Thibodaux Field, Lafourche Parish, La., at 20.625 cents per Mcf at 15.025 psia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Delhi-Taylor agreed to a moratorium on changes in rate until July 1, 1967, except that appropriate upward or downward adjustments will be made as determined by the proceeding pending in Docket No. AR61-2, et al., or any other applicable proceeding, all consistent with the settlement in Docket No. CI62-1508, Continental Oil Co.[1] The related rate schedule provides for a five-year make-up period for take-or-pay gas. The subject contract, heretofore designated as Delhi-Taylor Oil Corp. (Operator), et al., FPC Gas Rate Schedule No. 55, has been redesignated as Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 165. On April 27, 1964, Tenneco Oil Co (Tenneco) filed in Docket No. CI63-869 to become applicant in said proceeding in lieu of Delhi-Taylor insofar as the subject application pertains to sales from the undivided one-half interest in the subject properties acquired by Tenneco from Delhi-Taylor effective as of January 1, 1964.

Take further notice that on April 29, 1964, Continental Oil Co. (Continental) filed in Docket No. CI64-1309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas from its undivided one-half interest in certain properties acquired from Delhi-Taylor hereinabove described, under the terms and conditions hereinabove described, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The subject contract, heretofore designated as Delhi-Taylor Oil Corporation (Operator), et al., FPC Gas Rate Schedule No. 55, and redesignated as Tenneco Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 165 insofar as it pertains to the undivided one-half interest of Tenneco, has also been accepted for filing and designated as Continental Oil Co. FPC Gas Rate Schedule No. 281 insofar as it pertains to the undivided one-half interest of Continental.

Protests or petitions to intervene may be filed with the Federal Power Commis-

[1] Continental Oil Co., Applicant in Docket No. CI62-1508, was successor to Berkshire Oil Co. The subject acreage was dedicated to Berkshire's contract, as supplemented, which included this condition.

sion, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 13, 1964.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–10842; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. G–12245 etc.]

MARSHAL R. YOUNG DRILLING CO. ET AL.

Findings and Order; Correction

OCTOBER 8, 1964.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Making Successors in Interest Co-Respondents, Redesignating Proceedings, Requiring Filing of Agreement and Undertaking, Accepting Agreement and Undertaking for Filing, and Accepting Related Rate Schedules and Supplements for Filing, issued September 28, 1964, and published in the FEDERAL REGISTER October 8, 1964 (F.R. Doc. 64–10072; 29 F.R. 13917), change Docket No. "G–10691" to read Docket No. "G–2688" in ordering paragraph (J) and in the chart.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–10843; Filed, Oct. 23, 1964; 8:46 a.m.]

[Docket No. RI65–266 etc.]

LAB OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

OCTOBER 19, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before December 1, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65–266	LAB Oil Co., (Operator), et al. P.O. Box 1391, Corpus Christi, Tex.	3	1	Texas San Juan Oil Corp. (Miller and Fox Field, Duval County, Tex.) (R.R. Dist. No. 4).	$700	9–14–64	[2] 11–1–64	4–1–65	[5] 11.0	[3] [4] 12.0	
RI65–267	Miller & Fox Minerals Corp. (Operator), et al.,[9] 900 Vaughn Plaza, Corpus Christi, Tex.	1	1	Texas San Juan Oil Corp. (Miller and Fox Field, Jim Wells County, Tex.) (R.R. Dist. No. 4).	2,880	9–14–64	[2] 11–1–64	4–1–65	[5] 11.0	[3] [4] 12.0	
RI65–268	Texas San Juan Oil Corp., 1126 Mercantile Securities Bldg., Dallas, Tex., 75201	2	3	Tennessee Gas Transmission Co. (Jim Wells County, Tex.) (R.R. Dist. No. 4).	[6] 8,793	9–24–64	[2] 11–1–64	4–1–65	[5] [7] [8] 14.0	[3] [4] [7] 15.0	

[2] Contractually provided effective date.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Initial rate.
[6] Based on estimated volume from Texas San Juan's last rate increase filing.
[7] Includes 0.21931 cent per Mcf for dehydration.
[8] Prior rate increase to 14.1725 cents per Mcf, reflecting reimbursement of the Texas Dedicated Reserve Tax, is in effect subject to refund in Docket No. RI62–337. Tax subsequently declared unconstitutional and the tax discontinued. No filings made to reflect that the proper rate is 14.0 cents per Mcf.
[9] 25 percent of the working interest of the lease dedicated to the contract is owned by Texas San Juan.

LAB Oil Co. (Operator) et al. (LAB), and Miller & Fox Minerals Corporation (Operator), et al. (Miller & Fox), sell their gas to Texas San Juan Oil Corporation (Texas San Juan) who gathers and dehydrates the subject gas and delivers it for resale to Tennessee Gas Transmission Co.

LAB and Miller & Fox's contracts are geared to the gatherer's contract in that they all provide for a 1.0 cent per Mcf periodic increase on November 1, 1964, and every five years thereafter, thus maintaining a 3.0 cents per Mcf differential between the producers' and gatherer's rates.

Texas San Juan's proposed rate of 15.0 cents per Mcf exceeds the applicable 14.0 cents per Mcf area ceiling price for increased rates in Texas Railroad District No. 4 as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56). Although LAB and Miller & Fox's proposed rates are below the applicable area increased ceiling price of 14.0 cents per Mcf, they are suspended because the sales related thereto are considered to be for non-pipeline quality gas within the meaning of the Commission's aforementioned Statement of General Policy No. 61–1, as amended, because of the gathering and dehydration services performed by Texas San Juan prior to the delivery of the gas to Tennessee Gas Transmission Co.

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 64–10844; Filed, Oct. 23, 1964; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Designation

The officers appointed to the following listed positions in Region IV (Chicago) are hereby designated to serve as Acting Regional Director of Community Facilities, Region IV, during the absence of the Regional Director of Community Facilities, with all the powers, functions, and duties delegated or assigned to the Regional Director of Community Facilities, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Community Facilities.
2. Chief, Engineering Branch.
3. Chief, College Housing Operations Branch.

This designation supersedes the designation effective September 28, 1962 (27 F.R. 9631, September 28, 1962).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 24th day of October 1964.

JOHN P. MCCOLLUM,
Regional Administrator.

[F.R. Doc. 64-10867; Filed, Oct. 23, 1964; 8:48 a.m.]

OFFICE OF EMERGENCY PLANNING

GEORGIA

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, and Executive Order 11051 of September 27, 1962 (18 F.R. 407, 22 F.R. 8799, 27 F.R. 9683); Reorganization Plan No. 1 of 1958, Public Law 85-763, and Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 10, 1964, reading in part as follows:

I have determined the damage in various areas of Georgia adversely affected by Hurricane Dora to be of sufficient severity and magnitude to warrant assistance by the Federal Government to supplement State and local efforts.

I do hereby determine the following areas in the State of Georgia to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of September 10, 1964:

The Counties of:

Brantley.	McIntosh.
Camden.	Ware.
Chatham.	Wayne.
Glynn.	

Dated: October 19, 1964.

EDWARD A. MCDERMOTT,
Director,
Office of Emergency Planning.

[F.R. Doc. 64-10847; Filed, Oct. 23, 1964; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 491]

NORTH CAROLINA

Declaration of Disaster Area

Whereas, it has been reported that during the month of October 1964, because of the effects of certain disasters, damage resulted to residences and business property located in Buncombe, Henderson, Jackson, Macon, and Transylvania Counties in the State of North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about October 5 and 6, 1964.

OFFICES

Small Business Administration Regional Office, 1904 Byrd Avenue, Richmond, Va., 23226.

Small Business Administration Branch Office, 201 South Tryon Street, Charlotte, N.C., 28202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1965.

Dated: October 13, 1964.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 64-10828; Filed, Oct. 23, 1964; 8:45 a.m.]

[Delegation of Authority 30-XIII, Amdt. 3]

SEATTLE REGIONAL AREA

Delegation of Authority to Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 9), 29 F.R. 11777, as amended, 29 F.R. 12570, 13354, and 14093; Delegation of Authority No. 30-XIII, 29 F.R. 12499, as amended, 29 F.R. 12992 and 14044, is hereby further amended by revising Item I.K. 11. to read as follows:

11. Item I.C.12.—only the authority for servicing, administration and collection, including subitems a and b, but not c, is hereby delegated to the Chief, Financial Assistance Section, in the Anchorage, Boise, and Portland Branch Offices.

Effective date: October 8, 1964.

WILLIAM S. SCHUMACHER,
Regional Director,
Seattle.

[F.R. Doc. 64-10829; Filed, Oct. 23, 1964; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 21, 1964.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39343: *Soybeans to Sherman, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8623), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from points in Kansas, Missouri, and Oklahoma, to Sherman, Tex.

Grounds for relief: Carrier competition.

Tariff: Supplement 58 to Southwestern Freight Bureau, agent, tariff I.C.C. 4496.

FSA No. 39344: *Soybeans to Fredonia, Kans.* Filed by Southwestern Freight Bureau, agent (No. B-8624), for interested rail carriers. Rates on soybeans, in bulk, in carloads, from specified points in Oklahoma, to Fredonia, Kans.

Grounds for relief: Carrier competition.

Tariff: Supplement 53 to Southwestern Freight Bureau, agent, tariff I.C.C. 4475.

FSA No. 39345: *Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 103), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in south-

ern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 6 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1314.

FSA No. 39346: *Joint motor-rail rates—Central and Southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 87), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in central states territory, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 33 to Central and Southern Motor Freight Tariff Association, Inc., agent, MF–I.C.C. 286.

FSA No. 39347: *Commodity rates—Sea-Land Service, Inc.* Filed by Sea-Land Service, Inc. (No. 58), for itself and interested carriers. Rates on pipe or tubing, brass, bronze or copper, noi, in trailerloads, from Pittsburgh, Pa., to Los Angeles, Calif.

Grounds for relief: All-rail competition.

Tariff: Supplement 61 to Sea-Land Service, Inc., tariff I.C.C. 14.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10859; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1067]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 67125. By order of October 15, 1964, the Transfer Board approved the transfer to Century Cartage Company, a corporation, Decatur, Ga., of Certificate of Registration in No. MC 121176 Sub 1, issued November 1, 1963, to J. N. Climer, doing business as Decatur Union Bus Station, Decatur, Ga., authorizing the transportation of: bus package express and baggage, between certain specified points in Georgia. John H. Boone, First National Bank Building, Atlanta, Ga., 30303, attorney for applicants.

No. MC–FC 67155. By order of October 16, 1964, the Transfer Board approved the transfer to Humboldt Moving & Storage Co., a corporation, Eureka, Calif., of the operating rights in Certificate No. MC 98286 Sub 1, issued January 10, 1957, to Baker & Stanton, Inc., Eureka, Calif., authorizing the transportation, over regular routes, household goods, as defined, between Crescent City, Calif., and Garberville, Calif., paper and paper products, new furniture and fixtures, machinery and parts, steel, scrap iron, hardware, paint, glass, china and enamelware, dry goods, clothing, groceries, notions, grain, bark, lumber, and mill work, between Eureka, Calif., and Arcata, Calif., paper and paper products, steel machinery and parts and new furniture and fixtures, between Eureka, Calif., and Scotia, Calif., and between Eureka, Calif., and Samoa, Calif., and paper products and groceries, between Eureka, Calif., and Stumpville, Calif., from Eureka to Stumpville. Marvin Handler, 625 Market Street, San Francisco 5, Calif., attorney for applicants.

No. MC–FC 67180. By order of October 16, 1964, the Transfer Board approved the transfer to Carmichael Freight Lines, Inc., Clarksburg, W. Va., of Certificate No. MC 111232 issued November 29, 1949 to R. L. Carmichael doing business as Carmichael Freight Lines, Clarksburg, W. Va., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over irregular routes, between points in Harrison, Doddridge, Ritchie, Wetzel, Marion, Monongalia, Taylor, Barbour, Preston, Randolph, Tucker, Upshur, Webster, Nicholas, Lewis, Gilmer, Braxton, and Pocahontas Counties, W. Va. Howard Caplan, Clarksburg, W. Va., 26302, representative for applicants.

No. MC–FC 67240. By order of October 15, 1964, the Transfer Board approved the transfer to D & R Transfer Co., a corporation, 414 South Grant, Stockton, Calif., of Certificate of Registration in No. MC 99900 Sub 2, issued June 1, 1964, to Sigourney V. Hurd, doing business as Nilsson Transfer Company, 414 South Grant, Stockston, Calif., authorizing the transportation of: a wide variety of specified commodities, between Stockton, Calif., and Modesto, Calif., and intermediate points via U.S. Highway 99, and between Stockton, Calif., on the one hand, and Tracy, Calif., on the other hand, including the off-route point of Banta, via U.S. Highway 50.

No. MC–FC 67242. By order of October 16, 1964, the Transfer Board approved the transfer to Petroleum Tank Lines, Inc., Sheffield, Mass., of Certificate in No. MC 95256 issued September 30, 1954, to A. W. King, Inc., Adams, Mass., authorizing the transportation of lime and limestone products, over irregular routes, from points in Berkshire County, Mass., to points in Connecticut, and those in that part of New York east of a line beginning at Port Jervis, N.Y., and extending in a northerly direction to Utica, N.Y., and south of a line beginning at Utica and extending in a northeasterly direction through Glens Falls, N.Y., to the New York-Vermont State line. William L. Mobley, 1694 Main Street, Springfield, Mass., 01103, representative for applicants.

No. MC–FC 67262. By order of October 16, 1964, the Transfer Board approved the transfer to Albert P. Handel, doing business as Handel Trucking Co., Ramsey, N.J., of the operating rights issued by the Commission May 13, 1941, under Certificate No. MC 76544 to Herbert W. Handel, Franklin Lakes, N.J., authorizing the transportation, over regular routes, of paper and paper products, between New York, N.Y., and Bristol, Pa.; and over irregular routes, of wool waste, between Passaic, N.J., and Philadelphia, Pa.; empty cans, rubber, and rubber products, between Passaic, N.J., on the one hand, and, on the other, points in the New York, N.Y., commercial zone; and paper and paper products, between Paterson, N.J., and points in New Jersey within 30 miles of Paterson. John M. Zachara, Post Office Box 2860, Paterson, N.J., representative for applicants.

No. MC–FC 67263. By order of October 16, 1964, the Transfer Board approved the transfer of a portion of the operating rights to Caution Carriers, Inc., North Caldwell, N.J., authorized in Certificate No. MC 5728, issued March 2, 1961, to Edward F. Clark Trucking Corporation, Bayonne, N.J., authorizing the transportation, over irregular routes, of: Petroleum and petroleum products, antifreeze compounds, and certain other named commodities, between specified points in New Jersey, and New York, and points in Pennsylvania and New York, and General commodities, with the usual exceptions, from and to, and between points, specifically named, and State wide, involving New Jersey, New York, Connecticut, and Pennsylvania. August W. Heckman, 297 Academy Street, Jersey City, N.J., 07306, attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64–10860; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1067–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 21, 1964.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

Finance Docket No. 23260. By order of October 20, 1964, The Transfer Board approved the transfer to Ketchikan Transportation Company, Ketchikan, Alaska, of the operating rights claimed in W 1159, under the "grandfather" clause of section 309(a) and (f), Interstate Commerce Act, by L. E. Erickson and Ed. W. Wolf, doing business as Ketchikan Transportation Co., Ketchikan, Alaska, for which a certificate is sought to operate in interstate or foreign commerce as a water carrier transporting general commodities, and surface mail contract, except those of unusual value, Classes A and B explosives, from, to, or between points or areas in Alaska, including Ketchikan, Myers Chuck, Thorne River, Ratz Harbor, Coffman Cove, Whale Pass, Lincoln Rock, Wrangell, Pt. Baker, Port Protection, Cape Decision, Cape Pole, Edna Bay, Tuxekan, Tokeen, Hecata Is., Klawock, Craig, Steamboat Bay, Waterfall, View Cove, Hydaburg, Long Is., and Tamgass Harbor Annette Island. George H. Hart, 640 Central Building, Seattle, Wash., attorney for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10861; Filed, Oct. 23, 1964; 8:48 a.m.]

[Notice 1]

FINANCE APPLICATIONS

OCTOBER 20, 1964.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 5(2), 20a except (12), 20b, and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER, issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time (or 9:30 a.m., local d.s.t., if that time is observed), unless otherwise specified.

F.D. No. 23324—By application filed October 7, 1964, Railway Express Agency, Incorporated, 219 East Broad Street, New York, N.Y., 10017, seeks authority under sections 20a and 214 of the Act to issue 500,000 shares of common stock, par value $1.00 per share to The Greyhound Corporation. Applicant is authorized to operate in all 50 States, the District of Columbia, Puerto Rico, and Canada transporting property by express on railroads. Applicant's attorneys: Wm. J. Taylor, Esq., general counsel, Railway Express Agency, Inc., 219 East Broad Street, New York, N.Y., 10017 and Henry P. Riordan, Esq., Cravath, Swaine & Moore, 1 Chase Manhatton Plaza, New York, N.Y., 10005. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23326—By application filed October 7, 1964, Western Maryland Railway Company, 300 St. Paul Place, Baltimore, Md., 21202, seeks authority under section 20a(2) of the Act to issue First Mortgage 4.85 percent bonds, Series D, due October 1, 1989, in principal amount not to exceed $4,000,000. Applicant is authorized to operate in the States of Maryland, Pennsylvania, and West Virginia. Applicant's attorney: Norman C. Melvin, Jr., Esq., general attorney, Western Maryland Railway Company, 300 St. Paul Place, Baltimore, Md., 21202. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: By Special Application, filed August 7, 1964, F.D. No. 23247, applicant sought exemption from the competitive bidding requirements of the Commission in connection with the above-mentioned bonds. Relief was granted by order dated August 28, 1964.

F.D. No. 23252—By supplemental application filed October 7, 1964, The Chesapeake & Ohio Railway Company seeks authority under section 20a(2) of the Act to assume obligation and liability in respect of $5,700,000 principal amount of Serial Equipment Trust Certificates, with dividend warrants to be dated July 15, 1964, and to be issued under The Chesapeake & Ohio Railway Company Equipment Trust of 1964, as the second and final installment of an aggregate of not exceeding $11,400,000 principal amount. Applicant's attorney: C. C. Kimball, general attorney, The Chesapeake & Ohio Railway Company, 3117 Terminal Tower, Post Office Box 6419, Cleveland, Ohio, 44101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: Authority was granted to assume obligation and liability, as guarantor, in respect of $5,700,000 principal amount of serial equipment trust certificates, constituting the first installment by order dated September 4, 1964.

F.D. No. 23325—By application filed October 6, 1964, D.C. Transit System, Inc., 3600 M Street NW., Washington, D.C., 20007, seeks authority under section 214 of the Act to issue a promissory note not to exceed $3,500,000 bearing interest at the rate of 6 percent per annum. Applicant operates in Maryland, Virginia, and in the District of Columbia. Applicant's attorney: John R. Sims, Jr., associate general counsel, D.C., Transit System, Inc., 3600 M Street NW., Washington, D.C., 20007. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23322—By application filed Oct. 5, 1964, Harris Express, Inc., 1425 North Tryon Street, Charlotte, N.C., seeks authority under section 214 of the Act to issue a promissory note in the principal amount of $665,460 bearing interest at the rate of 5 percent per annum and a promissory note in the principal amount of $58,450 bearing interest at the rate of 5 percent per annum, as part payment for applicant's capital stock purchased from L. Worth Harris and Truckers Terminal, Inc. Applicant is authorized to operate in the States of South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and in the District of Columbia. Applicant's attorney: Lloyd Caudle, Wardlow, Knox, Caudle & Wade, 1416 Johnston Building, Charlotte, N.C. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23319—By application filed October 5, 1964, O'Boyle Tank Lines, Incorporated, 4848 Cordell Avenue, Washington, D.C., 20014, seeks authority under section 214 of the Act to issue promissory notes not to exceed $1,183,401, bearing interest of 6.1 percent, per annum on the unpaid balance and maturing in not more than eight years after the date of issue. Further authority is sought to cancel and supersede the authority previously granted by order of December 31, 1962, in F.D. No. 22347. Applicant is authorized to operate in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, West Virginia, Wisconsin, and in the District of Columbia. Applicant's attorney: Clarence D. Todd, Todd, Dillon Sullivan & Raley, 1825 Jefferson Place NW., Washington 36, D.C. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 64-10901; Filed, Oct. 23, 1964; 8:50 a.m.]

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