Individual Local Producing Areas

County and areas

Box Butte: T. 24 N., R. 49 W.; T. 27 N., R. 48 W.; T. 24 N., R. 47 W.
Keith: T. 13 N., R. 40 W.; T. 14 N., R. 35 W.
Sheridan: T. 29 N., R. 46 W.
Scotts Bluff: T. 21 N., R. 52 W.; T. 21 N., R. 53 W.; T. 21 N., R. 54 W.; T. 21 N., R. 55 W.; T. 21 N., R. 56 W.; T. 21 N., R. 58 W.; T. 22 N., R. 52 W.; T. 22 N., R. 53 W.; T. 22 N., R. 54 W.; T. 22 N., R. 55 W.; T. 22 N., R. 56 W.; T. 22 N., R. 57 W.; T. 22 N., R. 58 W.; T. 23 N., R. 55 W.; T. 23 N., R. 56 W.; T. 23 N., R. 57 W.; T. 23 N., R. 58 W.

(l) *Nevada.*

Entire county

Washoe.

(m) *North Dakota.*

Entire counties

Cass. Richland.
Foster. Steele.

Individual Local Producing Areas

County and areas

Grand Forks: Chester, Ferry.
McKenzie: Yellowstone.
Traill: Caledonia, Bingham, Stavanger.

(n) *Ohio.*

Entire counties

Allen. Lucas.
Auglaize. Ottawa.
Erie. Putnam.
Hancock. Sandusky.
Hardin. Seneca.
Henry. Van Wert.
Huron. Wood.

Individual Local Producing Areas

County and areas

Fulton: York.
Mercer: Hopewell.

(o) *Oregon.*

Individual Local Producing Areas

County and areas

Malheur: T. 19 S., R. 43 E.; T. 17 S., R. 44 E.; T. 19 S., R. 44 E.; T. 19 S., R. 45 E.; T. 20 S., R. 45 E.; T. 19 S., R. 46 E.; T. 20 S., R. 46 E.; T. 21 S., R. 46 E.; T. 22 S., R. 46 E.; T. 16 S., R. 48 E.

(p) *South Dakota.*

Individual Local Producing Areas

County and areas

Butte: T. 8 N., R. 3 E.; T. 8 N., R. 4 E.
Turner: T. 97 N., R. 52 W.
Union: T. 91 N., R. 48 W.; T. 91 N., R. 49 W.; T. 91 N., R. 50 W.

(q) *Texas.*

Entire counties

Castro. Deaf Smith.
Cochran.

Individual Local Producting Areas

County and area

Parmer: Harrah.

(r) *Utah.*

Entire counties

Cache. Millard.
Carbon. Salt Lake.

Individual Local Producing Areas

County and areas

Sevier: B.
Weber: C, E.

(s) *Washington.*

Individual Local Producing Areas

County and area

Yakima: T. 10 N., R. 23 E.

(t) *Wyoming.*

Entire counties

Park. Goshen.
Converse.

Individual Local Producing Areas

County and areas

Platte: T. 25 N., R. 68 W.; T. 24 N., R. 68 W.
Big Horn: T. 49 N., R. 92 W.
Washakie: T. 48 N., R. 92 W.

Statement of bases and considerations. One of the conditions of eligibility of a sugarbeet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugarbeet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1963 crop of sugarbeets and that any sugarbeet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

Effective date: Date of publication.

Signed at Washington, D.C., on March 16, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-2834; Filed, Mar. 18, 1965; 8:48 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 6 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Licensing Standards and Procedures

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, and 2654, by amending §§ 107.102, 107.103, 107.104, 107.201, 107.202 and 107.203, and deleting §§ 107.105, 107.106, 107.107, and 107.204.

Information and effective date. On February 24, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2405) concerning the revision of those sections of the SBIC Regulation appertaining to the standards, procedures and other requirements governing the issuance of licenses.

After due and careful consideration of the comments received, the Administration has determined to adopt the formal amendments, set forth below, as being in furtherance of the best interest of the SBIC program.

The present revision, as finalized in the formal amendment published herewith, adopts the text of the proposals published on February 24, 1965, except for the following change:

The final sentence of § 107.102(d)(9) has been clarified to read: "If the total amount of Licensee's paid-in capital and paid-in surplus (including for this purpose subordinated debentures issued to SBA under § 107.301) is less than the sum of $600,000 at the time the license is issued, such paid-in capital and paid-in surplus shall be increased to at least $600,000 during the first 2 years of operation by the issuance of an additional amount of subordinated debentures, or otherwise."

In view of the Administrator's determination that it is necessary in the public interest that the revised provisions of the SBIC Regulation governing the issuance of licenses (new §§ 107.102, 107.103, 107.104, 107.201, 107.202, and 107.203, coupled with deletion of former §§ 107.105, 107.106, 107.107, 107.204) shall be promptly applied to the program authorized by the Small Business Investment Act of 1958, the present amendment shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting §§ 107.102 and 107.103 in their entirety and substituting a new § 107.102, which will read as follows:

§ 107.102 Filing and processing of proposal.

(a) *Forms.* A Proposal shall be submitted on SBA Form No. 414 to SBID through the appropriate Area Office of SBA, as more fully set forth in the instructions accompanying said Form.

(b) *Matters covered.* In addition to those matters required by SBA Form No. 414, the Proposal shall include such further matters as SBA may require by regulation or otherwise or the Proponents may submit as part of the Proposal.

(c) *Proposal number.* Immediately upon receipt by SBID of each Proposal, SBID shall register, assign an identification number thereto, and acknowledge receipt of the same.

(d) *Standards for licensing.* The Proposal shall be accompanied by supporting data of sufficient scope, particularity and relevance to establish that it meets the following criteria for the issuance of new licenses by SBA:

(1) *Management.* (i) Satisfactory provision must be made for a full-time, responsible officer to be in charge of the Licensee's operations. Such officer (*a*) shall be compensated at prevailing levels for comparable employment or, if not so compensated, it must be demonstrated

that he will devote full time to the operation of the Licensee for a period of at least 2 years from date of licensing, and (*b*) shall have had at least 5 years' experience in a position of responsibility involving the financing of business concerns; for example, in a commercial bank, investment banking firm, or commercial finance company, or comparable experience and background acceptable to SBA. If the Proposed Operator plans to specialize in a particular industry, such officer must, in addition, have had substantial experience with that industry.

(ii) If the Proposed Operator is to be managed by other than a natural person, comparable data must be submitted and a proper showing made with respect to the management fee charged by, and the experience of personnel employed by such management concern.

(iii) A common general manager approved by SBA under § 107.703(a)(2) shall be deemed to meet the criteria of this subparagraph (1).

(2) *Board, Officers and Major Shareholders.* The business background and financial records of officers, directors, and shareholders owning 10 or more percent of the stock of the proposed Licensee must be acceptable to SBA.

(3) *Independent Board Members.* The Board of Directors shall consist of at least 5 members, 40 or more percent of whom shall be independent members not concurrently affiliated in some other capacity (e.g., as employee, officer, investment adviser, attorney, etc.), directly or indirectly, with the Proposed Operator or with any of the Licensee's officers, directors, employees, or owners of 10 percent or more of its voting securities; nor shall independent Board members include close relatives (as defined in § 107.716(b)(5)) of any such person.

(4) *Diversity of ownership.* At least 3 stockholders, who are not close relatives of each other, as defined in § 107.716(b)(5), shall each own 10 or more percent of the Proposed Operator's stock: *Provided, however,* That this requirement will not apply if the existence of reasonable diversity of ownership is demonstrated in other ways, or the Proposed Operator is a subsidiary of a commercial bank, or other corporation having diversity of ownership to an extent acceptable to SBA.

(5) *Office.* Adequate provision must be made for the maintenance of a reasonably accessible office, which will display the name of the Licensee and be open to the public during regular business hours. The office must be adequately staffed so that persons wishing to communicate or enter into negotiations with the Licensee will be able to do so in the temporary absence of the officer responsible for operations.

(6) *Need for licensee.* A satisfactory showing must be made demonstrating a bona fide need for Proposed Operator's services in the Operating Area. If there is a concentration of Licensees in such Area, such showing must include the submission of relevant data as to the existence of types of local business or industry to which SBIC financing can be provided on a profitable basis.

(7) *Real estate.* Adequate provision must be made assuring that the Proposed Operator will not place more than one-third of its portfolio in real estate investments (i.e., in small business concerns classified in Major Group 65 of the Standard Industrial Classification, as amended, issued by the Bureau of the Budget).

(8) *Conflict-of-interest transactions.* Adequate provision must be made verifying that debt or equity financing of affiliates or other transactions of a type that would be subject to the provisions of § 107.716 relating to conflicts of interest, are not contemplated by the Proposed Operator in the normal course of its operations.

(9) *Operations and capital.* (i) A projection of income and expense by calendar quarters must be furnished for the first 2 years of operation, indicating that the Proposed Operator will be able adequately to support its projected operating expenses. Where the officer responsible for operations is to be compensated at prevailing salary levels, SBA will presumptively regard $300,000 of paid-in capital and paid-in surplus from private sources as the minimum capitalization required for such purpose. This presumption may be rebutted by the presentation of appropriate evidence establishing to SBA's satisfaction the existence of special circumstances which would justify its approval of a lower capitalization. If the total amount of Licensee's paid-in capital and paid-in surplus (including for this purpose subordinated debentures issued to SBA under § 107.301) is less than the sum of $600,000 at the time the license is issued, such paid-in capital and paid-in surplus shall be increased to at least $600,000 during the first 2 years of operation by the issuance of an additional amount of subordinated debentures, or otherwise.

(ii) Proposed capitalization shall include authorized capital stock in excess of the amount proposed for immediate issuance, so that stock will be available for portfolio small business concerns which elect to exercise the option provided for in § 107.507 pursuant to the Act.

(10) *Borrowed funds.* The Proposed Operator must certify in writing that none of the original shareholders that will own 10 or more percent of its stock will use borrowed funds in purchasing said stock, unless such shareholder's net worth is equal to at least twice the amount borrowed. SBA may require the submission of balance sheets from shareholders so using borrowed funds.

(e) *Investigation of proponents.* Submission of a Proposal shall constitute authority to SBA to proceed with consideration thereof and to conduct, without liability on the part of SBA or anyone acting on its behalf, any investigation or inquiry deemed necessary in its discretion concerning any matter, person, or entity referred to in the Proposal.

(f) *Opinion of counsel*—(1) *Substance of opinion.* Counsel for the Proponents or the Proposed Operator shall submit as part of the Proposal an opinion that the Proposed Operator is or can be chartered under State Law to conduct (in the territory in which its operations are to be carried on) only the activities described under Title III of the Act, in accordance with and subject to the provisions and purpose of the Act and SBA regulations prescribed thereunder.

(2) *Operating area beyond State of incorporation.* In the event that the Operating Area is to include any region or regions beyond the jurisdiction of the State of incorporation, counsel for the Proponents or the Proposed Operator shall also submit as part of the Proposal an opinion that the Proposed Operator can, consistent with the provisions of its charter, the Act, and SBA regulations thereunder, obtain the issuance of all necessary permits, franchises or other legal authority from such other State or States as may be required to effectuate said purpose.

(3) *Ineligible attorney.* The opinion required by subparagraphs (1) or (2) of this paragraph shall not be rendered by an attorney who is to be an officer, director, or shareholder owning 10 or more percent of the stock of the Proposed Operator, or by a law partner or law firm with which such attorney is associated.

(g) *Notice to proceed or notice of insufficiency.* After due consideration of a Proposal, SBA shall notify the Proponents either:

(1) That they may proceed with all action necessary to qualify and enable the Proposed Operator to execute and submit a License Application. Such action shall be completed and a License Application submitted by the Proposed Operator within 90 days from the date of said notice, unless such period is extended by SBA; or

(2) That such Proposal is insufficient.

(i) If SBA determines that the sufficiency of such Proposal cannot be established through further information or action, it shall declare the matter closed and so notify the Proponents.

(ii) If SBA determines that the sufficiency of such Proposal may be established through further information or action, it shall simultaneously with transmission of notice to that effect to the Proponents, allot a period of time within which they may endeavor to establish its sufficiency and resubmit said Proposal.

(iii) A resubmitted Proposal which is again determined by SBA to be insufficient, or a rejected Proposal not resubmitted within the allotted period, shall be declared permanently closed and the Proponents so notified by SBA.

2. By deleting § 107.104 in its entirety and substituting therefor a new § 107.103, which will read as follows:

§ 107.103 Charter requirements.

The charter of a Licensee shall constitute a grant by a State, in the form of a permit or certificate of incorporation, or amendment, or otherwise, evidencing and attesting to its existence or continued existence as a corporate entity. The powers and authority of a Licensee may be granted and expressed in any manner consistent with the corporation laws of such State and the requirements of appropriate State officials charged with administrative responsibilities in connection therewith, but each such charter must in any event contain the following provision:

This corporation is organized and chartered solely for the purpose of operating under the Small Business Investment Act of 1958, as amended, and will operate in the manner and shall have the powers, responsibilities, and be subject to the limitations provided by said Act and the regulations issued by the Small Business Administration thereunder.

3. By deleting §§ 107.105, 107.106 and 107.107 and substituting therefor a new § 107.104, which will read as follows:

§ 107.104 Post-licensing operations beyond State of incorporation.

In the event that a Licensee desires, after the issuance of its License, to conduct operations beyond the jurisdiction of its State of incorporation to an extent requiring registration or other compliance with the laws of other States involved, it must apply for prior SBA approval of the proposed change in Operating Area as a post-licensing amendment under § 107.704(d). After receiving such approval, it shall be incumbent upon the Licensee to obtain, consistent with the provisions of its charter, the Act and SBA regulations thereunder, the issuance of all necessary permits, franchises or other legal authority from such other State or States in order to effectuate said purpose.

4. By deleting §§ 107.201, 107.202, and 107.204 and substituting therefor a new § 107.201, which will read as follows:

§ 107.201 License application.

(a) *Application.* The Proposed Operator may submit a License Application on SBA Form No. 415 only after issuance by SBA of the notice referred to in § 107.102(g)(1). The Application shall, within 90 days after the issuance of said notice, be prepared and submitted in accordance with instructions therein contained or otherwise issued by SBA.

(b) *Prerequisites.* Prior to the issuance of a License, the Proposed Operator shall have:

(1) Executed and submitted a License Application, including such additional information, statements and representations as may otherwise be required by SBA;

(2) Received a corporate charter or franchise under State law to operate as a Licensee:

(3) Submitted satisfactory evidence that, exclusive of funds required for organizational expenses, it has paid-in capital and paid-in surplus equal to at least $300,000 in cash or funds invested in accordance with the last sentence of section 308(b) of the Act or § 107.710: *Provided, however,* That any SBA commitment to purchase subordinated debentures under § 107.301(b) may, for the purposes of this section, be considered as part of such paid-in capital and paid-in surplus; and

(4) Tendered a License fee of $100 to SBA simultaneously with the filing of the License Application.

5. By deleting § 107.203 and substituting therefor new §§ 107.202 and 107.203, which will read as follows:

§ 107.202 Authority to operate.

Only upon issuance by SBA of a License to the Proposed Operator, shall such corporation be authorized to operate under the Act.

§ 107.203 Transferability of license.

A License is not transferable in any manner except under circumstances expressly approved in writing by SBA.

By direction of Eugene P. Foley, Administrator, Small Business Administration.

Dated: March 12, 1965.

ROSS D. DAVIS,
Executive Administrator,
Small Business Administration.

[F.R. Doc. 65-2794; Filed, Mar. 18, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6161; Amdts. 1-8; 43-1; 65-4; 91-15; 121-3]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 91—GENERAL OPERATING AND FLIGHT RULES

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Miscellaneous Amendments

The purpose of this amendment is to add certain clarifying amendments to the recently recodified Federal Aviation Regulations. After the promulgation of Parts 1, 43, 65, 91, and 121 certain questions arose as to the meaning of the recodified language of the sections concerned. These amendments are issued to make it clear that no substantive changes were intended in the pertinent sections. So far as the Agency is aware, this amendment clears up all existing problems of this nature. However, if further clarifications of this type are necessary to preserve the substance of the former rules, the Agency will issue additional spot amendments as necessary.

The definition of the term "commercial operator" added to Part 1 in conjunction with the issuance of Part 121 is amended to make it clear that any "carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375" (of Title 14 of the U.S. Code) when performed "for compensation or hire" is a "commercial operation". The definition as issued, by combining the definition of "commercial operator" formerly contained in CAR 42 together with the note to § 42.1(a)(4) could be interpreted to exclude an operation for which a fee is charged if it is incidental to a persons other business and not "a major enterprise for profit". The amended definition avoids the possibility of such an interpretation.

Section 121.1(a)(5) is amended to clarify the applicability of Part 121 to a commercial operator. The language added is to make it clear that Part 121 does not apply to operations by a commercial operator such as ferry and training flights, that are conducted under Part 91. Paragraph (d) of § 121.1 is deleted since it is surplusage in view of the amended definition of "commercial operator" accomplished in this amendment.

Section 43.9 is amended to delete "preventive maintenance" from the recordkeeping requirements thereof since CAR §§ 18.20 and 18.21, upon which § 43.9 is based, did not include "preventive maintenance".

Sections 65.95(a)(1) and 91.161(b) are amended to make certain cross references consistent with the recodified regulations.

Section 91.27(a) is amended to avoid any implication that a civil aircraft may be operated without a valid airworthiness certificate. The possibility of such a misinterpretation existed under CAR § 43.10(a) as well as under § 91.27(a) as presently written.

A new § 91.49 is being added to Part 91 to make it clear that the requirement for an aural speed warning device contained in § 25.1303 and covered by SR 450A is a continuing operating requirement for all operations in air commerce with a transport category airplane. The preamble to the miscellaneous amendments issued in conjunction with the issue of Part 121 (29 F.R. 19096) stated that it was not necessary to recodify SR 450A. This conclusion was based on the belief that since the SR required that all transport category airplanes be equipped with the aural speed warning device by a date before April 1, 1965, there would be no need for a continuing operating rule. However, the Agency now believes that a continuing requirement is necessary since it is possible that a transport category airplane, type certificated before the aural speed warning device was required, could at some future date be used in air commerce though it is not now being so used (for example, an airplane now being used in a foreign country that is sold to a person who is subject to the FAR's).

Section 91.87(g) is amended to make it clear that a pilot's determination to use a runway for landing other than the preferential runway assigned by ATC must be based on a determination by the pilot that the use of another runway is "in the interest of safety". As amended the section is consistent with former CAR § 60.18(b) upon which § 91.87(g) is based.

Section 91.103 is amended to make it clear that any person operating a civil aircraft of Cuban registry within the

United States must, in addition to operating in controlled airspace, also obtain an "air traffic clearance" regardless of whether the flight is IFR or VFR and must comply with ATC instruction. As so amended, this section is consistent with SR 456, upon which it is based.

Section 91.117 is amended by adding an "or" between subparagraphs (1) and (2) of paragraph (h) to make it clear that a person need not meet the requirements of both subparagraphs in order to operate more than 50 feet below the minimum altitude. In this connection, it should be noted that when a pilot is operating under the conditions of either subparagraph he must execute a missed approach procedure whenever he cannot maintain visual reference to the ground or ground lights.

Paragraphs (e) and (f) of § 121.3 are amended so that the wording of these paragraphs, applicable to supplemental air carriers and commercial operators, is consistent with the wording of other paragraphs in § 121.3 that apply to domestic and flag air carriers.

Sections 121.93(a)(1) and 121.653(d) are amended to correct typographical errors.

A new paragraph (d) is added to § 121.289 to contain the substance of paragraph § 121.289(d) as set forth in the notice of proposed rule making for Part 121. While this paragraph is to a certain extent obsolete the Agency has decided that it should be added to make it clear that any extensions granted before February 1, 1965, continue in effect after the effective date of Part 121 and therefore, there would be no violation of the section until the extension expires.

The amendment to § 121.321 is made to ensure that only "type certification" and no other kind of certification is intended to be referred to therein, thus avoiding a possibility of confusion that exists under the present CAR sections and the section as recodified.

Section 121.365(b) is amended to make it clear that the inspections referred to throughout the subpart as "required inspections" are those set forth in the manual pursuant to § 121.369(b) (2) or (3).

The references to "supplemental" air carrier and "commercial operator" contained in the parentheses in § 121.425(d) are deleted to correct an inadvertent error since the section by its own terms applies only to domestic and flag air carriers.

The definitions of "month" and "year" contained in CAR Parts 40, 41, and 42 stated that as used in those parts they meant "calendar month" or "calendar year", respectively. The Agency decided not to include definitions of "month" or "year" in the recodified regulations and therefore the word "calendar" is being inserted before the words "month" and "year", where used throughout the "Training Program", "Flight Crewmember Qualifications", and "Flight Time Limitations" subparts of Part 121.

Section 121.597(b) is amended to make it clear that a flight release may be prepared by either the pilot in command or the person authorized to exercise operational control over the flight. As amended the section is consistent with former CAR § 42.381(a) upon which § 121.597(b) is based.

Since this amendment is clarifying in nature, I find that notice and public procedure hereon are unnecessary, and it may be made effective on less than 30 days notice.

In consideration of the foregoing Chapter I of Title 14 of the Code of Federal Regulations is amended as follows, effective April 1, 1965.

(Secs. 306, 307, 313(a), 601 through 610, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1347, 1348, 1354(a), 1421 through 1430, and 1522))

Issued in Washington, D.C., on March 16, 1965.

N. E. HALABY,
Administrator.

§ 1.1 [Amended]

1. The definition of "commercial operator" in § 1.1 is amended to read as follows:

"Commercial operator" means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier or under the authority of Part 375 of this Title. Where it is doubtful that an operation is for "compensation or hire", the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, a major enterprise for profit.

§ 43.9 [Amended]

2. By amending § 43.9 as follows:

a. By striking the command the words "preventive maintenance" after the word "maintenance" in the heading of § 43.9 and in the first sentence of paragraph (b).

b. By striking the words "alters or performs preventive maintenance on" in paragraph (a) and by inserting the words "or alters" in place thereof.

c. By striking the words "or to certificated pilots performing preventive maintenance under § 43.3(h)" after the words "Part 91" and before the period in paragraph (c).

§ 65.95 [Amended]

3. The parenthetical language in § 65.95(a)(1) is amended to read as follows: "(except any aircraft maintained in accordance with a continuous airworthiness program under Part 121 or 127 of this chapter)."

4. Part 91 is amended as follows:

a. By amending § 91.27(a) to read as follows:

§ 91.27 Civil aircraft certificates required.

(a) No person may operate a civil aircraft unless it has within it—

(1) An appropriate and current airworthiness certificate (including a special flight permit or an authorization under § 91.45); and

(2) A registration certificate issued to its owner.

* * * * *

b. By adding a new § 91.49 reading as follows:

§ 91.49 Aural speed warning device.

No person may operate a transport category airplane in air commerce unless that airplane is equipped with an aural speed warning device that complies with § 25.1303 (a)(11) and (b).

§ 91.87 [Amended]

c. By amending the second sentence of § 91.87(g) by inserting the words "in the interest of safety" after the word "determines".

d. By amending § 91.103 to read as follows:

§ 91.103 Operation of civil aircraft of Cuban registry.

No person may operate a civil aircraft of Cuban registry except in controlled airspace and in accordance with air traffic clearances or air traffic control instructions that may require use of specific airways or routes and landings at specific airports.

§ 91.117 [Amended]

e. By inserting the word "or" after the semicolon at the end of § 91.117(h)(1).

f. By amending § 91.161(b) to read as follows:

§ 91.161 Applicability.

* * * * *

(b) Sections 91.165, 91.169, 91.171, and 91.173 of this subpart do not apply to an aircraft maintained in accordance with a continuous airworthiness program under Part 121 or 127 of this chapter.

5. Part 121 is amended as follows:

§ 121.1 [Amended]

a. By inserting the words "when it engages in the carriage of persons or property in air commerce for compensation or hire with large aircraft" before the period at the end of § 121.1(a)(5).

b. By striking paragraph (d) of § 121.1.

§ 121.3 [Amended]

c. By inserting the word "operating" after the word "carrier" in § 121.3(e) and after the word "operator" in § 121.3 (f).

§ 121.93 [Amended]

d. By striking the word "satisfactory" in § 121.93(a)(1) and inserting the word "satisfactorily" in place thereof.

e. By adding the following new paragraph at the end of § 121.289:

§ 121.289 Landing gear; aural warning device.

* * * * *

(d) A certificate holder who, before February 1, 1965, applied for and received an extension beyond the date set forth in paragraph (a) of this section may, until that extension date, operate large landplanes without complying with this section.

§ 121.321 [Amended]

f. By adding the word "type" after the word "was" in § 121.321.

§ 121.365 [Amended]

g. By adding the words "in accordance with § 121.369(b) (2) or (3)" after the word "manual" in § 121.365(b).

§ 121.425 [Amended]

h. By striking the words "or supplemental air carrier or commercial operator" in the parentheses in § 121.425(d) and inserting the words "air carrier" in place thereof.

i. By inserting the word "calendar" before the word "month" wherever the word "month" is used throughout Subparts N, O, P, Q, R, and S and by inserting the word "calendar" before the word "year" in § 121.471(a) (1).

§ 121.597 [Amended]

j. By inserting the words "or the person authorized by the operator to exercise operational control over the flight" after the word "command" in § 121.597 (b).

§ 121.653 [Amended]

k. By striking the word "or" after the word "part" in the first sentence of § 121.653(d).

[F.R. Doc. 65-2882; Filed, Mar. 18, 1965; 8:48 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 64-SO-72]

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

Revocation of Control Area Extension, Alteration of Control Zone, and Designation of Transition Area

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 887) stating that the Federal Aviation Agency proposed to revoke the control area extension, alter the control zone and designate a transition area at Columbus, Miss.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Columbus, Miss., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following control zone is amended to read:

COLUMBUS, MISS.

Within a 5-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within 2 miles each side of the Columbus AFB localizer NW course extending from the 5-mile radius zone to the OM; within 2 miles each side of the Caledonia VOR 143° radial extending from the 5-mile radius zone to 12 miles SE of the VOR; within 2 miles each side of the Caledonia VOR 311° radial extending from the 5-mile radius zone to 12 miles NW of the VOR; within 2 miles each side of the runway 13 centerline extending from the 5-mile radius zone to 5.5 miles SE of the departure end of the runway; within 2 miles each side of the Columbus VORTAC 020° radial extending from the 5-mile radius zone to the VORTAC.

3. In § 71.181 (29 F.R. 17643) the following transition area is added:

COLUMBUS, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Columbus AFB (latitude 33°38'38" N., longitude 88°26'39" W.); within a 5-mile radius of the Columbus-Lowndes County Airport (latitude 33°27'52" N., longitude 88°22'50" W.) clockwise between a 357° and 297° bearing from the airport and within a 7-mile radius of the Columbus-Lowndes County Airport clockwise between a 297° and a 357° bearing from the airport; within 2 miles each side of the Columbus VORTAC 101° radial extending from the 5-mile radius area to the VORTAC; within 2 miles each side of a 180° bearing from the Columbus-Lowndes County Airport extending from the 5-mile radius area to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within a 40-mile radius of Columbus AFB excluding that portion which coincides with the Tupelo, Miss., transition area; including that airspace SE of the 40-mile radius area bounded on the NE by V-278S, on the E by a 19-mile radius arc centered on the Tuscaloosa, Ala., VOR, on the SE by V-18, and on the W by longitude 88°00'00" W.; including that airspace N of the 40-mile radius area, bounded on the W by the Tupelo, Miss., transition area, on the N by V-176 and on the E by longitude 87°55'00" W.; and that airspace extending upward from 5,000 feet above mean sea level within 5 miles each side of the Caledonia VOR 310° radial extending from the 40-mile radius area to longitude 89°20'00" W., excluding that portion which coincides with the Tupelo, Miss., transition area; and that airspace extending upward from 10,000 feet above mean sea level SW of the 40-mile radius area bounded on the N by V-278, on the W by longitude 89°17'00" W., on the S by latitude 33°03'00" N., and on the SE by a line extending from latitude 33°03'00" N., longitude 88°57'40" W. to the intersection of longitude 88°47'00" W. and the 40-mile radius arc centered on Columbus AFB.

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

Issued in East Point, Ga., on March 9, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-2797; Filed, Mar. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-73]

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

Revocation of Control Area Extension, Alteration of Control Zones, Redesignation of Transition Area, and Designation of Transition Area

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 888) stating that the Federal Aviation Agency proposed to revoke the Meridian, Miss., control area extension, alter the control zones for Key Field and NAAS Meridian, redesignate the Meridian transition area and designate a transition area for NAAS Meridian.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In the notice an extension to the Meridian control zone was proposed two miles each side of the Meridian VORTAC 310° radial extending from the five-mile radius zone to 5.5 miles northwest of the airport. Subsequent to the publication of the notice, it was determined that the magnetic variation was incorrectly applied and this extension should have been described as being on the Meridian VORTAC 314° radial. Action is taken herein to correct this discrepancy.

Since this correction is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Meridian, Miss., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

MERIDIAN, MISS. (KEY FIELD)

Within a 5-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 2 miles each side of the Meridian ILS localizer S course extending from the 5-mile radius zone to the Meridian RBN; within 2 miles each side of the Meridian VORTAC 155° radial extending from the 5-mile radius zone to 15.5 miles SE of the VORTAC; within 2 miles each side of the Meridian VORTAC 314° radial extending from the 5-mile radius zone to 5.5 miles NW of the airport.

MERIDIAN, MISS. (NAAS MERIDIAN)

Within a 5-mile radius of NAAS Meridian (latitude 32°33'27" N., longitude 88°33'33" W.); within 2 miles each side of Navy McCain TACAN 360° radial extending from the 5-mile radius zone to 7 miles N of the TACAN; within 2 miles each side of the Navy McCain TACAN 069° radial extending from the 5-mile radius zone to 7 miles E of the TACAN; within 2 miles each side of Runway 18L centerline extending from the 5-mile radius zone to 6 miles N of the airport; within 2 miles each side of Runway 27 centerline extending from the 5-mile radius zone to 6 miles E of the airport; within 2 miles E and 1 mile W of Runway 36L centerline extending from the 5-mile radius zone to 6 miles S of the airport.

3. In § 71.181 (29 F.R. 17643) the Meridian, Miss., transition area (30 F.R. 434) is amended to read:

MERIDIAN, MISS. (KEY FIELD)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Key Field (latitude 32°19'58" N., longitude 88°45'05" W.); within 8 miles E and 5 miles W of the Meridian ILS localizer S course extending from the Meridian RBN to 13 miles S of the RBN; within 8 miles E and 5 miles W of a 191° bearing from the Meridian RBN extending from the RBN to 13 miles S; within 8 miles SW and 5 miles NE of the Meridian VORTAC 314° radial extending from the VORTAC to 13 miles NW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the N edge of V-18N and a 30-mile radius arc centered on Key Field, extending NW along V-18N to longitude 89°30'00" W., thence N to latitude 32°47'00"