

May 28, 1965

In consideration of the foregoing, effective June 27, 1965, Part 165 is amended as hereinafter set forth.

(Sec. 10, International Aviation Facilities Act (49 U.S.C. 1159); sec. 48, Hawaii Omnibus Act of July 12, 1960 (74 Stat. 424); Executive Order 11048 (3 CFR 1962 Supp., p. 241); agreement between FAA and the Department of the Interior of February 5, 1962 (27 F.R. 8887)).

Issued in Washington, D.C., on May 21, 1965.

N. E. HALABY,  
Administrator.

1. Part 165 is amended by striking out the words "Island Manager" and "Assistant Administrator" wherever they appear and inserting the words "Area Manager" and "Regional Director", respectively, in place thereof.

2. Part 165 is amended by striking out the heading of Subpart P and inserting a new heading in place thereof, to read as follows:

**Subpart P—Medical, Dental and Hospital Services**

3. Section 165.1 is amended by adding the following new paragraph at the end thereof:

**§ 165.1 Applicability.**

(c) For the purposes of this part, the Wake Island Airport consists of the area shown on a map entitled "Wake Island Airport Boundary," File No. PC-A-1623, dated May 4, 1963, that has been filed with the Office of the Federal Register and is also available for inspection and copying at the offices of the Regional Director and the Area Manager. The boundaries of the airport are described in Appendix A to this part.

4. Subpart A is amended by adding the following new section at the end thereof:

**§ 165.5 Publication of rates and charges for supplies and services fixed by the Regional Director.**

Whenever this part provides that the FAA Regional Director for the Pacific Region (Regional Director) fixes charges for supplies or services, the orders prescribing these charges are on file, and may be inspected, at the FAA Regional Office, 1833 Kalakaua Avenue, Honolulu, Hawaii. Copies of the orders are on file, and may be inspected, at the office of the Area Manager. Lists of all charges in effect are posted at the office of the Area Manager. In addition, charges for utility services are posted at each office where inquiry about billing may be made and charges for medical, dental and hospital services are posted in a prominent place in each Island Dispensary.

5. Paragraph (a) of § 165.15 is amended to read as follows:

**§ 165.15 Authorized functions, powers, and duties.**

(a) Issue citations for violations of Subpart E (Petty Offenses) and Subpart I (Motor Vehicle Code) of this part.

**§ 165.17 [Amended]**

6. Section 165.17 is amended by striking out the word "major".

[Docket No. 6313; Amdt. 165-2]

**PART 165—WAKE ISLAND CODE**

**Miscellaneous Amendments**

The purpose of this amendment is to reflect new delegations of authority to fix certain fees and charges to the Regional Director, Pacific Region; to reflect the new titles of the Regional Director and Area Manager; to make changes designed to improve the administration of the area; to add a prohibition against providing or transferring gambling facilities; to authorize the Area Manager to issue citations for petty offenses; to describe the boundaries of the Wake Island Airport; and to limit the kinds of cases in which an accused may forfeit bail without permission and thereby terminate proceedings.

This amendment is based on notice of proposed rule making 64-49 that was published in the FEDERAL REGISTER on November 17, 1964 (29 F.R. 15378). The notice also was posted on the FAA official bulletin board in the Terminal Building at Wake Island and copies were distributed to Tenant Agencies on Wake Island following announcement that they were available. Only three comments were received. They did not express any objections. All relevant matters presented have been fully considered and it is concluded that the amendment should be adopted as proposed, except for correction of the address stated in § 165.5.

7. Section 165.41 is amended by adding the following new paragraph at the end thereof:

§ 165.41 General criminal offenses.

(kk) Transfer or provide to any person any facilities, equipment, or device for the purpose of organized gambling, or any interest in a game of chance, without permission from the Area Manager. Organized gambling means gambling arranged for by a person or persons who intend to derive a profit, by participation in the gambling or otherwise, from making such arrangements.

8. Paragraph (b) of § 165.85 is amended to read as follows:

§ 165.85 Bail.

(b) When an offense has been charged by a citation issued by a peace officer or the Area Manager, bail shall be set in the amount prescribed by the senior judge for the violation. The bail shall be paid in cash to the Clerk of the Court. The bail may be forfeited by the accused and the proceedings thereby terminated in the case of a violation of Subpart I of this part that does not involve a moving vehicle or collision, or with permission of the Court in the case of any other offense charged by a citation.

§ 165.89 [Amended]

9. The second sentence of paragraph (a) of § 165.89 is amended to read as follows: "However, if the offense is one for which issue of a citation is authorized by this part and a citation for the offense has been issued, the citation serves as an information."

10. The first sentence of § 165.129 is amended to read as follows:

§ 165.129 Citation in place of arrest.

In any case in which a peace officer may make an arrest without a warrant, he may, under such limitations as the Area Manager may impose, issue and serve a citation, or serve a citation issued by the Area Manager, on a person in place of arresting him if the officer considers that the public interest does not require an arrest \* \* \*.

11. Paragraph (c) of § 165.151 is amended to read as follows:

§ 165.151 Motor vehicle maintenance and equipment.

(c) No person may operate a motor vehicle on Wake Island unless it is equipped with an adequate and properly functioning—

- (1) Horn;
- (2) Wiper, for any windshield;
- (3) Rear vision mirror;
- (4) Headlights and taillights;
- (5) Muffler; and
- (6) Spark or ignition noise suppressors.

§ 165.245 [Amended]

12. Section 165.245 is amended by adding the ZIP Code number "96812" after the word "Hawaii."

§§ 165.255, 165.257 [Deleted]

13. Sections 165.255 and 165.257 are deleted.

14. Section 165.259 is amended to read as follows:

§ 165.259 Charges for utility services.

The Regional Director fixes the charges for electric power, water, sewerage disposal, and telephone service.

15. Paragraph (b) of § 165.261 is amended to read as follows:

§ 165.261 Rates of payment; measurement, adjustment, and billing.

(b) If charges for utility services are increased, each user shall be notified at least 30 days before the increase takes effect.

16. Section 165.271 is amended to read as follows:

§ 165.271 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical and dental services and supplies and hospitalization at Wake Island.

§ 165.273 [Deleted]

17. Section 165.273 is deleted.

18. The section heading and the introductory paragraph and subparagraph (3) of paragraph (a) of § 165.277 are amended to read as follows:

§ 165.277 Persons eligible for treatment.

(a) Subject to applicable charges as prescribed under § 165.283, general treatment for injury or disease is provided for—

(3) Employees of a non-United States agency who are at an Island location under temporary or permanent assignment;

§§ 165.279, 165.281 [Deleted]

19. Sections 165.279 and 165.281 are deleted.

20. Section 165.283 is amended to read as follows:

§ 165.283 Charges for medical services.

(a) Except as provided in paragraphs (b)-(d) of this section, the Regional Director fixes the charges for medical services; medical supplies; dental services; and hospitalization.

(b) No charge is made for treatment of civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation for injury incurred while performing their duties or for disease proximately caused by the conditions of their employment.

(c) No charge is made for immunizations or physical examinations required in connection with employment by the United States.

(d) Individuals are not charged for services or supplies paid for by another Government agency or other third person under an agreement with FAA.

21. The following Appendix is added at the end of the part:

APPENDIX A

BOUNDARY DESCRIPTION—WAKE ISLAND AIRPORT

The boundaries of the Wake Island Airport are as follows: Beginning at a point located southwest of the southwest corner of the intersection of Gull Street and Samoa Ave-

nue at a distance of ten feet from the southerly edge of Gull Street and five feet from the westerly edge of Samoa Avenue; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to the northeast corner of building T-182; thence in a south-westerly direction to the northwest corner of building T-182; thence in a southeasterly direction to the southwest corner of building T-182; thence in a northeasterly direction to the southeast corner of building T-182; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to a point ten feet west of the west edge of Wake Avenue; thence in a general south and easterly direction as a line ten feet west of the west edge of Wake Avenue past the Terminal Building and around the runway overrun to a point ten feet north where Wake Avenue and Errod Drive join; thence in a general westerly direction on a line ten feet north of the north edge of the pavement of Errod Drive to a point 400 feet west of the end of the runway and ten feet north of the north edge of Errod Drive; thence in a general northerly direction for a distance of 790 feet on a line perpendicular to the center of the runway; thence in a general easterly direction for a distance of 900 feet on a line parallel to and 100 feet north of the north edge of the taxiway; thence in a general northerly direction for a distance of approximately 650 feet on a line perpendicular to the runway centerline to the high water mark of the lagoon designated by a 4' x 4' concrete marker; thence in a general easterly and northerly direction along a line corresponding to the high water mark of the lagoon to a 4' x 4' concrete marker 300 feet west of the point where Taxiway "B" joins the aircraft parking area located on the west side of Taxiway "B"; thence in a general north and westerly direction along a line paralleling and located 400 feet west of the Taxiway "B" to the point of intersection of this line with a line paralleling and located 100 feet west of the west edge of the maintenance ramp; thence in a general northerly direction along this line 100 feet west of the west edge of the maintenance ramp to the point where this line meets a point ten feet south of the south edge of Gull Street; thence in a general easterly direction on a line ten feet south of the south edge of Gull Street to the point located ten feet south of Gull Street and five feet west of Samoa Avenue, southwest of the southwest corner of the intersection of Gull Street and Samoa Avenue.

[F.R. Doc. 65-5583; Filed, May 27, 1965; 8:46 a.m.]