

when any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, and the sponsor, through inadvertence or lack of knowledge at the time of filing did not state these facts in the project application.

Under this amendment the sponsor has the right to request reconsideration, as it has under the § 151.27 procedure, thus safeguarding its interest. No increase in the U.S. share would be made in these circumstances since any adjustment in the U.S. share of project costs upward would require an amendment to the grant agreement.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Additionally, amendment 151-32 to Part 151, published in the FEDERAL REGISTER on June 19, 1969 (34 F.R. 9616), removed all references to Form FAA 1624.1 from §§ 151.21 and 151.67(a)(3), and substituted FAA Form 1624 in place thereof. Form FAA 1624.1, an airport project application for additional projects, has been discontinued, and project application FAA Form 1624 is now used for the original and all subsequent or additional projects at an airport. Section 151.67(a)(3) has prescribed the use of the discontinued Form FAA 1624.1 and distinguished it from FAA Form 1624. Since Form FAA 1624.1 has been discontinued, § 151.67(a)(3) no longer has relevance or legal significance, and it is therefore deleted. Since this amendment relates to public grants and benefits, notice and public procedure thereon are not required.

In consideration of the foregoing, Part 151 of the Federal Aviation Regulations is amended, effective September 7, 1969, as follows:

§ 151.23 [Amended]

1. By striking out the third sentence of § 151.23.

2. By inserting a new § 151.24 following § 151.23 to read as follows:

§ 151.24 Procedures: Application; information on estimated project costs.

(a) If any part of the estimated project costs consists of the value of donated land, labor, materials, or equipment, or of the value of a property interest in land acquired at a cost that (as represented by the sponsor) is not the actual cost or the amount of an award in eminent domain proceedings, the sponsor must so state in the application, indicating the nature of the donation or other transaction and the value it places on it.

(b) If, after the grant agreement is executed and before the final payment of the allowable project costs is made under § 151.63, it appears that the sponsor inadvertently or unknowingly failed to comply with paragraph (a) of this section as to any item, the Administrator—

(1) Makes or obtains an appraisal of the item, and if the appraised value is less than the value placed on the item in the project application, notifies the sponsor that it may, within a stated time, ask in writing for reconsideration of the appraisal and submit statements of pertinent facts and opinion; and

(2) Adjusts the U.S. share of the project costs to reflect any decrease in value of the item below that stated in the project application.

§ 151.67 [Amended]

3. By striking out paragraph (a)(3) of § 151.67.

(Secs. 1-15, 17-20, Federal Airport Act (49 U.S.C. 1101-1114, 1116-1119); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 1.4(b)(1), regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on July 31, 1969.

J. H. SHAFFER,
Administrator.

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[Docket No. 9575; Amdt. 151-32]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purpose of this amendment to Part 151 of the Federal Aviation Regulations is to provide for the appraisal of project costs in certain cases after a Federal Aid to Airports grant agreement is executed, and a downward adjustment of the U.S. share thereof when appropriate. Additionally, paragraph (a)(3) of § 151.67 is deleted since it is now superfluous.

The amendment was proposed in Notice 69-20 that was published in the FEDERAL REGISTER on May 8, 1969 (34 F.R. 7455). The comments received in response to the notice either supported or expressed no objection to the amendment proposed.

As proposed in the notice this amendment provides a specific appraisal procedure (similar to that in § 151.27) for use after a grant agreement is entered into but before final payment is made,