

aviation facility without obtaining prior permission (except for a bona fide emergency landing), a landing fee in excess of the normal landing fee will be charged to cover the additional expenses incurred due to special handling and processing. The fee for an unauthorized landing will be as follows:

- (1) For aircraft weighing less than 12,500 pounds: \$100.
- (2) For aircraft weighing 12,500 pounds but less than 40,000 pounds: \$250.
- (3) For aircraft weighing 40,000 pounds but less than 100,000 pounds: \$500.
- (4) For aircraft weighing above 100,000 pounds: \$600.

(c) *Normal landing fee.* The normal landing fee is based on the aircraft maximum authorized gross takeoff weight, to the nearest 1,000 pounds. The maximum gross takeoff weight may be determined either from item 7F of OPNAV Form 3770/1 or from the "Airplane Flight Manual" carried aboard each aircraft. If the weight cannot be determined, it should be estimated.

CHARGE PER LANDING

Inside CONUS—0.20/1,000 pounds or any portion thereof with a minimum of \$5.

Outside CONUS—0.30/1,000 pounds or any portion thereof with a minimum of \$7.50.

(d) *Parking and storage fees.* Fixed and rotary wing aircraft parking and storage fees are based upon the gross takeoff weight of the aircraft as follows:

(1) *Outside a hangar.* Charges begin 6 hours after the aircraft lands. The rate is 10 cents per thousand pounds for each 24-hour period or fraction thereof, with a minimum charge of \$1.50 per aircraft.

(2) *Inside a hangar.* Charges begin as soon as the aircraft is placed inside the hangar. The rate is 20 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of \$5 per aircraft.

(e) *Reimbursement.* Collections incident to direct (out of pocket) costs will be credited to local operating and maintenance funds. All other collections, such as for landing, parking, and storage fees will be credited to Navy General Fund Receipt Account 172426. Accumulation of costs and preparation of billing documents are prescribed in

paragraphs 032500-032503 of the NAVCOMPT Manual.

§ 766.12 Unauthorized landings.

An aircraft that lands at a Navy/Marine Corps aviation facility without obtaining prior permission from an approving authority, except in a bona fide emergency, is in violation of this part. Civil aircraft landing in violation of this regulation will have to pay the fee prescribed in § 766.11(b). In those cases where an unauthorized landing is made at a facility within a Naval Defense Area, proclaimed as such by Executive order of the President, civil aircraft may be impounded and the operator prosecuted as indicated in OPNAVINST 5500.11C of November 12, 1963. In any event, before the aircraft is authorized to depart, the commanding officer of the facility will:

(a) Inform the aircraft operator of the provisions of this part and the OPNAVINST 5500.11C of November 12, 1963, if applicable.

(b) Require the aircraft operator (or owner), before takeoff, to pay all fees and charges and to comply with the following procedure:

(1) Execute OPNAV Form 3770/1, explaining in item 6 of that form the reason for the landing.

(2) In lieu of submitting a Certificate of Insurance (NAVFAC 7-11011/36), the insurer must furnish evidence of sufficient insurance to include waiver of any right of subrogation against the United States, and that such insurance applies to the liability assumed by the insured under OPNAV Form 3770/1.

(3) When it appears that the violation may have been deliberate, or is a repeated violation, departure authorization must be obtained from the Chief of Naval Operations.

(4) Waiver of the requirements in paragraphs (b)(1) and (2) of this section may be obtained from the Chief of Naval Operations to expedite removal of these aircraft when such waiver is considered appropriate.

[35 FR 14451, Sept. 15, 1970, as amended at 51 FR 22804, June 23, 1986]

§ 766.13 Sale of aviation fuel, oil, services and supplies.

(a) *General policy.* In accordance with sections 1107 and 1108 of the Federal

Aviation Act of 1958 (72 Stat. 798 as amended, 49 U.S.C. 1507, 1508), Navy/Marine Corps Aviation fuel, oil, services, and supplies are not sold to civil aircraft in competition with private enterprise. Sections 1107 and 1108 of Federal Aviation Act of 1958 (72 Stat. 798 as amended, 49 U.S.C. 1507, 1508), however, does authorize the sales of fuel, oil, equipment, supplies, mechanical service, and other assistance by reason of an emergency. Such sales will be made only where there is no commercial source and only in the amount necessary for the aircraft to continue on its course to the nearest airport operated by private enterprise.

(b) *Contract aircraft.* The sale of aviation fuel, oil, supplies, etc. to aircraft under U.S. Government contract or charter is permitted at, and limited to, points where passengers or cargo are loaded into or discharged from the aircraft under terms of the contract or charter. Sales are not authorized at naval aviation facilities where commercial supplies and service are available.

PARTS 767-769 [RESERVED]

PART 770—RULES LIMITING PUBLIC ACCESS TO PARTICULAR INSTALLATIONS

Subpart A—Hunting and Fishing at Marine Corps Base, Quantico, Virginia

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- 770.1 Purpose.
 - 770.2 Licenses.
 - 770.3 Fishing regulations.
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 - 770.5 Safety regulations.
 - 770.6 Restrictions.
 - 770.7 Violations.
 - 770.8 Reports.
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Subpart B—Base Entry Regulations for Naval Submarine Base, Bangor, Bremerton, Washington

- 770.15 Purpose.
- 770.16 Definition.
- 770.17 Background.
- 770.18 Entry restrictions.
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Subpart C—Base Entry Regulations for Naval Installations in the State of Hawaii

- 770.25 Purpose.
- 770.26 Definitions.
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- 770.31 List of major naval installations in the State of Hawaii and cognizant commanders authorized to grant access under these regulations.

Subpart D—Entry Regulations for Naval Installations and Property in Puerto Rico

- 770.35 Purpose.
- 770.36 Definitions.
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Subpart E—Base Entry Regulations for Naval Submarine Base New London, Groton, Connecticut

- 770.41 Purpose.
- 770.42 Background.
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Subpart F—Base Entry Regulations for Puget Sound Naval Shipyard, Bremerton, Washington

- 770.47 Purpose.
- 770.48 Definition.
- 770.49 Background.
- 770.50 Entry restrictions.
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Subpart G—Entry Regulations for Portsmouth Naval Shipyard, Portsmouth, New Hampshire

- 770.53 Purpose.
- 770.54 Background.
- 770.55 Responsibility.
- 770.56 Entry restrictions.
- 770.57 Entry procedures.
- 770.58 Violations.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 6011; 32 CFR 700.702; 32 CFR 700.714, unless otherwise noted.