(iii) The highest weight at which compliance with each applicable flight requirement is shown, and
(2) Not less than the weight with—
(i) Each seat occupied, assuming a weight of 170 pounds for each occupant for normal and commuter category airplanes, and 190 pounds for utility and acrobatic category airplanes, except that seats other than pilot seats may be placarded for a lesser weight; and
(A) Oil at full capacity, and
(B) At least enough fuel for maximum continuous power operation of at least 30 minutes for day-VFR approved airplanes and at least 45 minutes for night-VFR and IFR approved airplanes; or
(ii) The required minimum crew, and fuel and oil to full tank capacity.

(b) Minimum weight. The minimum weight (the lowest weight at which compliance with each applicable requirement of this part is shown) must be established so that it is not more than the sum of—
(1) The empty weight determined under §23.29;
(2) The weight of the required minimum crew (assuming a weight of 170 pounds for each crewmember); and
(3) The weight of—
(i) For turbojet powered airplanes, 5 percent of the total fuel capacity of that particular fuel tank arrangement under investigation, and
(ii) For other airplanes, the fuel necessary for one-half hour of operation at maximum continuous power.

§ 23.31 Removable ballast.
Removable ballast may be used in showing compliance with the flight requirements of this subpart, if—
(a) The place for carrying ballast is properly designed and installed, and is marked under §23.1557; and
(b) Instructions are included in the airplane flight manual, approved manual material, or markings and placards, for the proper placement of the removable ballast under each loading condition for which removable ballast is necessary.

§ 23.33 Propeller speed and pitch limits.
(a) General. The propeller speed and pitch must be limited to values that will assure safe operation under normal operating conditions.
(b) Propellers not controllable in flight. For each propeller whose pitch cannot be controlled in flight—
(1) During takeoff and initial climb at the all engine(s) operating climb speed specified in §23.63, the propeller must limit the engine r.p.m., at full throttle or at maximum allowable takeoff manifold pressure, to a speed not greater than the maximum allowable takeoff r.p.m.; and
(2) During a closed throttle glide, at $V_{NE}$, the propeller may not cause an engine speed above 110 percent of maximum continuous speed.
(c) Controllable pitch propellers without constant speed controls. Each propeller that can be controlled in flight, but that does not have constant speed controls, must have a means to limit the pitch range so that—