

4910-13

Title 14 - AERONAUTICS AND AND SPACE
CHAPTER I - FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
[Docket No. 15977 ; Amdt. No. 45-10]
PART 45 - IDENTIFICATION AND REGISTRATION MARKING
Prohibition on Removal of Identification Data

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to prohibit the removal, change, or placement of identification information on any aircraft, aircraft engine, propeller, propeller blade, or propeller hub, and to prohibit the removal or installation of any identification plate, without the Administrator's approval, except in certain circumstances. These amendments are necessary to prevent the use of improper identification information on aircraft and aircraft parts.

DATES: Effective date: *September 4, 1979*

FOR FURTHER INFORMATION CONTACT: Mr. Raymond E. Ramakis,
Regulatory Project Branch, Safety Regulations Division,
Flight Standards Service, Federal Aviation Administration,
800 Independence Avenue, S.W., Washington, D.C. 20591;
telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

These amendments are based on a Notice of Proposed Rule Making (Notice 76-16) published in the FEDERAL REGISTER on August 12, 1976 (41 F.R. 34076), which proposed to prohibit any person from removing, changing, or placing information on an identification plate required by § 45.11, and from installing or removing identification plates without the approval of the Administrator. Numerous comments relating to these proposals were received in response to the notice. Based on these comments and upon further review by the FAA, some changes of a clarifying nature have been made.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented except those comments which were outside the scope of the proposal.

Several commenters objected to the proposed changes to § 45.13(b). Before this amendment, § 45.13(b) prohibited the removal or changing of identification information required by § 45.11. Because the rule had been interpreted to permit the placement of additional information on an identification plate or part, the proposed rule included a prohibition against these additions, unless approved by the Administrator. Commenters objecting to this aspect of the proposal contend that there is a continuing need to modify aircraft and engine identification plates by placing additional information on them. Some commenters suggested that an unnecessary burden might be imposed upon certificated maintenance and alteration facilities if they are required to obtain the Administrator's approval each time it is necessary to add information to an identification plate or part. To avoid this result, new § 45.13(d)(1) now exempts persons who perform work under Part 43 from having to obtain approval from the Administrator when identification information is removed, changed, or added. However, this must be done in accordance with methods, techniques, and practices acceptable to the Administrator, as reflected in pertinent advisory circular material.

The language of the amendment makes it clear that the prohibition against removing, changing, or placing information on an identification plate also applies to any identification information stamped, engraved, or etched on propellers and propeller blades and hubs in accordance with § 45.13(b).

Many commenters voiced objection to the addition of § 45.13(c) which would have prohibited any person from removing or installing an identification plate required by § 45.11 without obtaining the approval of the Administrator. This section was developed to curtail activities which involve the misidentification of products, such as aircraft and aircraft engines, and to curtail the practice of building an aircraft and identifying it with the identification plate from a scrapped or destroyed aircraft. Most comments were sympathetic with this objective, but reflected concern that an unnecessary burden would be placed upon persons authorized to perform work under § 43.3.

The FAA agrees that there is no reason to require persons authorized to perform work under § 43.3 to seek approval from the Administrator to remove or to install identification plates when the removal or installation is accomplished in conjunction with work performed pursuant to Part 43.

Therefore, new § 45.13(d) (2) exempts those persons who perform work under the provisions of Part 43 from the requirement to obtain individual approval from the Administrator when it is necessary, during certain maintenance operations, to remove and replace an identification plate. For example, the FAA would consider the removal of an identification plate to be necessary when it would otherwise be damaged during certain maintenance operations such as caustic cleaning, paint removal, or sandblasting, or when the member on which the plate is fastened must be repaired or replaced. However, the removal or replacement must be done in accordance with methods, techniques, and practices acceptable to the Administrator, which are reflected in pertinent advisory circular material. The identification plate may not be installed on any aircraft, aircraft engine, propeller, propeller blade, or propeller hub other than the one from which it was removed.

One commenter indicated that he was opposed to proposed § 45.13(c) because he wished to continue to rebuild wrecked aircraft and to remove identification plates as necessary. The

FAA believes that the practice of rebuilding a wrecked aircraft by replacing almost the entire aircraft and affixing the identification plate which was recovered from the wreckage is not in the public interest. This practice has been justified as "maintenance" or "repair," when it is in fact a rebuilding of the aircraft. The only person authorized to rebuild an aircraft is a person who manufactured it under a type or production certificate.

A few commenters stated that proposed § 45.13(c) might not eliminate all improper activities in this area. While § 45.13(c) may not completely deter the improper use of identification plates, such as switching identification information from a destroyed aircraft to a new one, or using stolen aircraft identification plates, it will subject persons not complying with this section to a civil penalty not to exceed \$1,000 for each such violation in accordance with Section 901 of the Federal Aviation Act.

ADOPTION OF THE AMENDMENT

Accordingly, Part 45 of the Federal Aviation Regulations (14 CFR Part 45) is amended, effective *September 4, 1979*, by revising paragraph (b) and adding new paragraphs (c) through (e) to read as follows:

§ 45.13 Identification data.

* * * * *

(b) Except as provided in paragraph (d)(1) of this section, no person may remove, change, or place identification information required by paragraph (a) of this section, on any aircraft, aircraft engine, propeller, propeller blade, or propeller hub, without the approval of the Administrator.

(c) Except as provided in paragraph (d)(2) of this section, no person may remove ~~or install~~ any identification plate required by § 45.11 of this part, without the approval of the Administrator.

(d) Persons performing work under the provisions of Part 43 of this chapter may, in accordance with methods, techniques, and practices acceptable to the Administrator-

(1) Remove, change, or place the identification information required by paragraph (a) of this section on any aircraft, aircraft engine, propeller, propeller blade, or propeller hub; or

(2) Remove an identification plate required by § 45.11 when necessary during maintenance operations.

(e) No person may install an identification plate removed in accordance with paragraph (d) (2) of this section on any aircraft, aircraft engine, propeller, propeller blade, or propeller hub other than the one from which it was removed.

(Sections 307(c), 313(a), 501, and 502 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1401, and 1402) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The FAA had determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by the Department of Transportation

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, the FAA has determined that the expected impact of the regulation is so minimal that it does not require an evaluation.

~~Signed~~ Langhorne Bond
Administrator

Issued in Washington, D. C. on JUL 25 1979