UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

Civil Air Regulations Amendment 1-6
Effective: July 25, 1963
Issued: July 18, 1963

[Reg. Docket No. 1864; Amdt. 1-6; Supp. 1]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

Exceptions To Marking Requirements

Currently effective § 1.100 of Part 1 of the Civil Air Regulations requires that each aircraft display nationality and registration marks in accordance with the provisions of §§ 1.101 through 1.107. Exceptions are permitted, under the provisions of currently effective §§ 1.108 and 1.108–1, when it is impossible to display the prescribed identification marks on the aircraft. This amendment revises §§ 1.108 and 1.108–1 by: (1) Granting additional exceptions, in prescribed circumstances and under prescribed conditions, for antique aircraft; (2) deleting the last paragraph of § 1.108–1(b); and (3) incorporating the remaining provisions of § 1.108–1 in § 1.108, with some clarification of the language.

In recent years, a number of persons have become interested in restoring antique aircraft so that they may be operated for pleasure or during public aviation events such as airshows, and fly-ins. Certain of these persons have pointed out to Agency representatives that when the currently prescribed identification marks are placed on their aircraft, the antique effect is largely lost because entirely different identification marking regulations were in effect at the time these aircraft were first manufactured. Noting that some states now permit the display of outdated nonstandard license plates on antique automobiles, they urged that some similar relief be granted for antique aircraft.

Currently effective §§ 1.102(a) and 1.103(a), which became effective on December 31, 1960, prescribe 12-inch identification marks to be located either on the sides of the fuselage, or on the vertical tail surfaces, for fixed-wing aircraft. Compliance with this provision introduces the anachronism that operators of antique aircraft find objectionable. In general, they wish to display, instead, the formerly prescribed 20-inch wing marks and 2-inch side fuselage or vertical tail surface marks.

The Agency adopted the 12-inch side identification marks as standard for fixed-wing aircraft as a means of decreasing the collision hazard associated with air-to-air identification of civil aircraft by U.S. Air Force interceptor aircraft engaged in national defense. In addition, the Agency's air traffic controllers had advised that such marks aided in the control of air traffic by facilitating the identification of aircraft.

More recently the Agency has been informed by the U.S. Air Force North American Air Defense Command that it would have no objection to the deletion of the requirement for side fuselage or tail markings on antique aircraft which are operated at less than 180 knots TAS within the continental limits of the United States, except for the Florida area, but that it would object to granting similar relief, under similar conditions, for all nonantique aircraft. Relevant also is a new rule, recently adopted by the Agency as part of Amendment 60–24 effective December 26, 1961, which requires that aircraft operated to, from, or on an airport at which an airport traffic control tower is operated by the United States Government be capable of two-way radio communication with that control tower. With two-way communication available, control tower personnel now have little need to visually identify aircraft by means of its identification marks.

In view of these developments, the Agency believes that antique aircraft need not be marked for visual identification at long range. There remains, however, a minimal need for relatively small identification marks to facilitate routine identification of aircraft on the ground by Agency personnel responsible for enforcement of regulations dealing

with the airworthiness, operation, and maintenance of civil aircraft. For this purpose, it is necessary that the correct nationality letter and registration number be marked on each aircraft. Accordingly, § 1.108 is being amended to exempt antique aircraft from the identification marking provisions of §§ 1.101 through 1.107 under specified conditions defining: (1) What is meant by an antique aircraft; (2) the revised standard for identification marks, including size and location; (3) the maximum operating airspeed; and (4) the area in which such aircraft are permitted to operate.

In addition, the last paragraph of § 1.108–1(b) is being deleted because it conflicts with the Agency's present policy delegating authority to the regional offices on questions concerning the identification markings for nonconventional aircraft; and the remaining substantive provisions of § 1.108–1 are being incorporated into § 1.108 with such editorial revisions as are necessary for clarity. One such editorial revision deletes reference to the term "nonconventional aircraft" since, as defined in § 1.108–1(a), this term embraces classes of aircraft other than those which are not conventional in the usual sense.

Since this regulation provides relief from the provisions of the previous regulation, and imposes no additional burden upon any person, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary, and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) is hereby amended as follows, effective July 25, 1963:

1. By amending § 1.108 to read as follows:

§ 1.108 Exceptions.

Aircraft may display identification marks which are not in accordance with the provisions of §§ 1.101 through 1.107 under the conditions stated in paragraph (a) or (b) of this section.

(a) If an authorized representative of the Administrator finds that it is impossible to mark the aircraft as prescribed and that the provisions of §§ 1.101 through 1.107 have been complied with to the extent practicable. For the purpose of making this finding, the owner of the aircraft shall submit a dimensioned three-view drawing, or dimensioned photographs, of the aircraft.

(b) If the aircraft was manufactured before January 1, 1933, or if, irrespective of date of manufacture, it has the same external configuration as an aircraft for which a type certificate, airworthiness certificate, license, or any other authorization was issued before January 1, 1933, by the United States Government. In each such case, the aircraft shall:

(1) Display identification marks at least two inches high on each side of the fuselage or vertical tail surface. These identification marks, and any additional set of identification marks displayed on the aircraft, shall consist of the Roman capital letter N followed by the registration number; and

(2) Be restricted to operation:

(i) At an airspeed of less than 180 knots TAS; and

(ii) In the area north of latitude 28° N., or west of longitude 85° W., within the continental limits of the United States.

2. By deleting § 1.108–1.

These amendments are made under the authority of secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423).

Issued in Washington, D.C., on July 18, 1963.

N. E. HALABY,
Administrator.

[F.R. Doc. 63–7788; Filed, July 24, 1963; 8:45 a.m.]

(As published in the Federal Register /28 F.R. 7557/ on July 25, 1963)