U.S. Department
of Transportation
**Federal Aviation
Administration**

MAR 10 2014

Mr. Richard Braun
American Aircraft Sales, LLC
14744 River Oaks Drive
Lincolnshire, IL 60069

Dear Mr. Braun:

This letter is in response to your letters of January 17, 2014, to Secretary Foxx of the U.S. Department of Transportation and January 31, 2014, to Administrator Huerta of the Federal Aviation Administration (FAA). Your letters concern actions taken in response to your efforts to register aircraft salvage formerly identified as a 1987 Beechcraft Bonanza F33A, serial no. CE-1194, registration no. N3115A. You also requested a meeting with the Administrator on this registration matter. This response is intended to explain the basis of the FAA's determinations in this matter, and describe future courses of action available to you.

The facts of this case have been already detailed extensively in correspondence between you and the FAA, taking place during 2013–14. The aircraft at issue was originally owned by Mr. Tim Osborn. After the aircraft suffered significant damage in Hurricane Sandy, Mr. Osborn and his insurance company, United States Aviation Underwriters (USAU), determined that the aircraft was destroyed or scrapped because of of the extent of the damage, and deemed the aircraft a total loss under the insurance policy. This determination by Mr. Osborn and USAU is confirmed by the bills of sale—tracing ownership from Mr. Osborn, through two parties, and ultimately to you—provided to the FAA. These bills of sale first establish that Mr. Osborn transferred ownership of the aircraft salvage to USAU. On March 14, 2013, USAU transferred ownership of the aircraft salvage to Beegles Aircraft Service, Inc. (Beegles). USAU clearly declared that the claim was "settled as a total loss under the policy" and the aircraft had "been deregistered with the FAA." Finally, these bills of sale also establish that, on April 2, 2013, Beegles resold the aircraft salvage to your corporation, American Aircraft Sales, LLC. It did not have an identification plate and was clearly identified as "aircraft salvage" in the bill of sale.

Prior to Hurricane Sandy, the aircraft in question appears to have been properly registered and certificated. Thereafter the aircraft's registration became ineffective under Section 47.41(a)(2) of Title 14, Code of Federal Regulations (14 C.F.R.), because the aircraft was "totally destroyed or scrapped." When the aircraft salvage was transferred by the original owner to the insurance company, registration ended under 14 C.F.R. § 47.41(a). Therefore, the aircraft salvage's registration was rendered ineffective by operation of law on or before March 14, 2013, and ended on transfer of ownership.

Numerous consequences result from the aircraft salvage's registration status. One consequence is that the aircraft's airworthiness certificate is invalid. Under 14 C.F.R. § 21.173, an aircraft that is not registered in the United States is ineligible for an FAA

airworthiness certificate. Similarly, § 21.181(a)(1) states that any existing airworthiness certificate is effective only as long as the aircraft is registered. Therefore, when the aircraft's registration became ineffective on or before March 14, 2013, and the registration ended on transfer of ownership, the aircraft's airworthiness certificate was rendered ineffective.

The aircraft salvage's ineffective registration, together with the prior owners' decision to deem the aircraft "destroyed or scrapped," also affected the status of actions taken with respect to the aircraft salvage's identification plate. Specifically, if an aircraft is not registered, is not certificated as airworthy, and is deemed destroyed, that aircraft is no longer regulated as an aircraft for the purposes of our Part 45 marking and identification regulations. Therefore, when previous owners (USAU) requested permission from the FAA to remove and destroy the aircraft salvage's identification plate, the FAA determined that such action would not be in contravention of our regulations. Removing and destroying an identification plate, however, is an act that can carry tremendous legal significance. This is because, among other reasons, 14 C.F.R. §§ 45.10 and 45.11 require aircraft subject to these sections to be marked *by the manufacturer*.

The identification of an aircraft is central to the registration of an aircraft in the United States. An aircraft to be registered in the United States must be clearly identified. Under 14 C.F.R. § 47.5(a), a "person registering an aircraft in the United States must submit an Aircraft Registration Application, AC Form 8050-1 under this part." That application requires the aircraft to be identified by aircraft manufacturer, model, and serial number. Where an aircraft is not marked with a manufacturer's identification plate, the determination of the aircraft manufacturer, model, and serial number is an open issue. For this reason, as the FAA previously described to you in a letter dated January 17, 2014, the FAA will not register your aircraft salvage without sufficient evidence that it has an appropriate identification plate, produced by the manufacturer. The FAA relies on the information included on an identification plate, together with the requirement that an identification plate be issued by a manufacturer, to ensure that each aircraft is correctly identified and not manufactured from spare, surplus, or salvage parts.

Accordingly, to register the aircraft salvage as a Beechcraft F33A, you must obtain an identification plate from the manufacturer, *i.e., Beechcraft*. A letter sent to you from FAA Inspector Raymond Peterson, dated August 2, 2013, correctly stated that you are eligible to request a replacement identification plate from Beechcraft at any time.[1] The FAA has no authority, however, to compel the company to provide one to you. Beechcraft will make its own determination as to whether to provide an identification plate, based on factors that may include the condition of the aircraft salvage.[2]

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[1] As a point of clarification, Inspector Peterson's letter did not state that your aircraft *is* a Beechcraft F-33A. Rather, the letter plainly identified this as "the 'whole aircraft' that *was once* F-33A, Serial Number CE-1194 that had went through Hurricane Sandy." (Emphasis added.) In other words, the inspector determined that the aircraft contained sufficient parts stamped with the serial number CE-1194 to allow you to submit a request to Beechcraft for a new identification plate. As discussed above, the decision to provide a replacement identification plate rests with Beechcraft.

[2] You have asserted that an employee of the FAA directed Beechcraft not to issue an identification plate to you for this aircraft. In our review of this matter, we have found no evidence to support your assertion. To my knowledge, no FAA employee issued such a direction to Beechcraft.

In the event that you are unable to obtain an identification plate from Beechcraft, you would need the approval of the FAA under 14 C.F.R. § 45.13(c) to install an identification plate required by § 45.11. Under § 45.10(a), the marking of a product or article is reserved to the person who produced the product or article under 14 C.F.R. part 21, subparts F, G, K, or O (production under a type certificate, production certificate, parts manufacturer approval, or technical standard order approval, respectively), or who produced the product or article for "export to the United States under the provisions of an agreement between the United States and another country or jurisdiction for the acceptance of products and articles." None of these provisions would appear to apply in your case.

While you conceivably could mark the aircraft salvage with an identification plate that you create, that identification plate must not identify Beechcraft as the manufacturer of the aircraft salvage. Moreover, attaching an identification plate that you produce would not be pursuant to the marking requirements of part 45 because you do not fall within the terms of § 45.10(a). Attaching such a self-produced identification plate could, in effect, be a declaration that you are the manufacturer of the aircraft in this case. Whether the marking of the aircraft in this manner would sufficiently identify the aircraft salvage for purposes of registration would have to be determined at the time you submitted an application for registration.

In some of your communications with FAA personnel, you have asked whether you could create an identification plate under 14 C.F.R. § 21.9(a)(5) as an owner-produced part. Presumably that owner-produced identification plate would indicate that the aircraft is a Beechcraft F33A. Based on the information available to me today, I am not able to conclusively determine whether § 21.9(a)(5) would allow the production of an identification plate as an owner-produced part. Assuming for the sake of argument, however, that § 21.9(a)(5) did allow you to produce such an identification plate, the provisions of part 45 cited above would not allow you to mark your aircraft salvage using that identification plate. As explained above, the marking of an aircraft under part 45 is reserved to the manufacturer of the aircraft. Any right to produce a part under § 21.9(a)(5) does not confer the right to use that part to mark an aircraft for purposes of complying with the marking requirements of part 45.

Identifying your aircraft by means of an identification plate attached by the manufacturer is also an essential step in obtaining a standard airworthiness certificate for the aircraft. Under 14 C.F.R. § 21.182(a), applicants for airworthiness certificates must show that the "aircraft is identified as prescribed in § 45.11." In the event you are able to obtain an identification plate from Beechcraft, you would then be able to apply for a standard airworthiness certificate under the process described in 14 C.F.R. § 21.183(d) for used aircraft. However, under 14 C.F.R. § 21.182(b)(2), the requirement for an identification plate attached by the manufacturer does not apply to aircraft with an experimental certificate (other than amateur-built, primary kit-built, and light-sport aircraft). Accordingly, if Beechcraft is not willing to provide you with an identification plate, you can apply for an experimental certificate under 14 C.F.R. § 21.191.

I appreciate your patience in awaiting our analysis of the issues you raised and the preparation of this response. Because we believe this response fully addresses the issues you have raised, and as such represents the FAA's final determination as to those issues, the Administrator declines your invitation for a meeting. Further, the FAA does not consider an additional inspection of your aircraft salvage to be necessary.

Sincerely,



Marc L. Warren
Acting Chief Counsel, AGC-1