

AFS-1750



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

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

December 23, 1997

Eugene O. Marquette III, Esq.
9419 Hanta Avenue
Las Vegas, NV 89117

Dear Mr. Marquette:

Your letter dated November 24, 1997, to the FAA Aircraft Registration Branch has been referred to this office.

In your letter, you say that in reviewing an NTSB accident report you noted that the investigator indicated that the aircraft was "destroyed." You ask:

1. Should that aircraft have been immediately de-registered?

Response. Yes. Pursuant to 14 C.F.R. 47.41(a)(3) registration ceased to be effective and the registered owner (if still alive) should have returned the Certificate of Aircraft Registration to the FAA Aircraft Registry immediately. See 14 C.F.R. 47.41(b)(2) and (3). Registration may also be the subject of agency revocation action. 49 U.S.C. 44105 and 14 C.F.R. 13.19. However, formal registration revocation action against destroyed aircraft is seldom initiated.

3. When the NTSB accident report was issued (filed) should the FAA then have revoked its registration and Certificate of Airworthiness?

Response. With respect to aircraft registration, please see discussion above.

Your remaining questions, relate to revocation of Airworthiness Certificates (2. and part of 3.) and possible violations by a repair station for repairing an allegedly destroyed aircraft (4.). Your letter has been referred to the Enforcement Division, FAA Office of Chief Counsel (AGC-300) for response. Any status inquiry should be directed to AGC-300 at (202) 267-9956 (phone) or (202) 267-5106 (fax).

Sincerely,

Joseph R. Standell
Aeronautical Center Counsel



U.S. Department
of Transportation

**Federal Aviation
Administration**

Memorandum

Subject: ACTION: Letter Inquiry By
Eugene Marquett III, Esq.

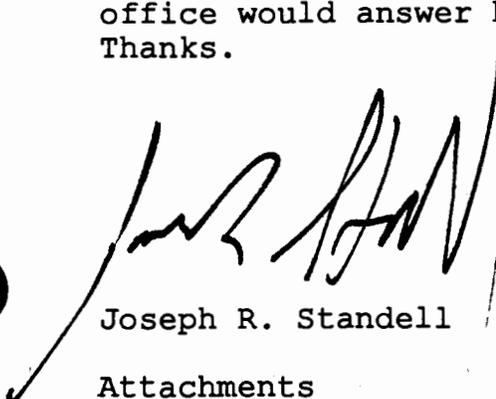
Date: Dec. 23, 1997

From: Aeronautical Center Counsel, AMC-7

Reply to
Attn. of:

To: Enforcement Division, AGC-300

Per my attached letter to Mr. Marquette, I indicated your office would answer his questions 2, 3 (in part), and 4. Thanks.



Joseph R. Standell

Attachments

EUGENE O. MARQUETTE III, P.C.
Lawyer
9419 Hanta Avenue
Las Vegas, Nevada 89117

(702) 233-1656 (702) 233-1651 Fax

24 November 1997

Received
from Itham
Advised for
Joe X
cc - 750

Federal Aviation Administration
Aircraft Registration Branch AFS-750
P. O. Box 25724
Oklahoma City, OK 73125

RE: Request For Information

Dear Registration Branch:

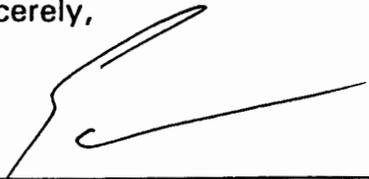
In reviewing an NTSB accident report I saw that the investigator checked opinion was that the aircraft involved was classified as destroyed.

My questions are:

1. Should that aircraft have been immediately de-registered?
2. Should that aircraft's Certificate of Air Worthiness been ordered revoked or ordered to be surrendered?
3. When the NTSB accident report was issued (filed) should the FAA then have revoked its registration and Certificate of Airworthiness?
4. If the aircraft was declared at the time the accident report was issued to be beyond repair then would an FAA Part 145 Repair Station, (which is also an authorized customer service facility for that make of aircraft) commit any violation by repairing that aircraft?

Thank you for your help.

Sincerely,



EUGENE O. MARQUETTE III P.C.