



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

Mike Nonroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

July 31, 1997

Frank L. Polk, Esq.
McAfee & Taft
Two Leadership Square, 10th Floor
211 North Robinson
Oklahoma City, OK 73102-7101

Dear Mr. Polk:

Spare Parts
(Your File No. 30902\900)

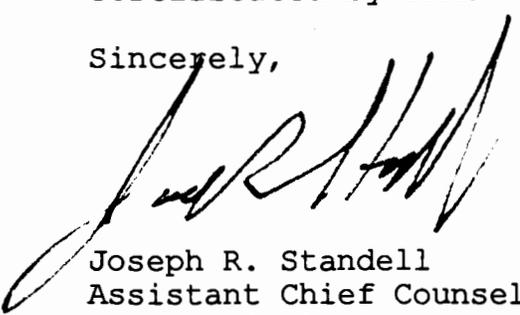
This responds to your letter of July 25 in which you state, "Assuming a spare parts lease otherwise complies with the Act, we request your opinion as to the following:

1. Whether a lease between a U.S. citizen, as lessor and a foreign air carrier as lessee, which covers spare parts maintained by or for such foreign air carrier, is a recordable instrument under the Act."

We conclude, as you have, that a Canadian air carrier which does not hold an U.S. air carrier operating certificate issued under 49 U.S.C. 44705, is not an air carrier for purposes of 49 U.S.C. 44107(a)(2)(D). Therefore, it is our opinion that a lease which covers spare parts maintained by or for such a foreign air carrier is not a recordable instrument.

Although foreign air carriers are issued operations specifications by FAA under 14 C.F.R. §129.11, they are not certificated by FAA.

Sincerely,



Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center