

October 22, 1985

Ms. Sue White  
Manager, Federal Aviation  
Title and Guaranty Company  
P.O. Box 19929  
Oklahoma City, Oklahoma 73144-0929

Dear Ms. White:

Your letter of October 17, 1985, asks for our review of a proposed security interest (the "Agreement") to be submitted for recording. Attached to the Agreement is Supplement No. 1, which proposes to "fill in the blanks" omitted in the Agreement with such items as identification of the collateral and spare parts location. In our opinion, since the Agreement does not identify the engines to be used as collateral, does not identify the spare parts nor the spare parts location, the Agreement can be recorded only if it is attached to and made a part of the Supplement No. 1, which contains these items of essential information. Please see 49 U.S.C. 1403(a)(2) and (3), and 14 CFR Section 49.43(a). Section 49.53(a)(2) also requires a statement by the air carrier that it is certificated under that section, and such a statement was not submitted for our review.

Your letter also asks if it is possible to record against spare parts maintained on behalf of a foreign air carrier who does business in the United States. Section 1403(a)(3) of Title 49, U.S.C., states that spare parts security instruments are eligible for recording if "maintained by or on behalf of an air carrier certificated under section 604(b) of this Act...." That section applies only to those carriers granted a certificate by the United States, and not to foreign air carriers. Accordingly, we are of the opinion that the Registry cannot record against spare parts maintained by or on behalf of foreign air carriers, even though they do business in the United States, and such spare parts are located in the United States. See 14 CFR 49.53(a)(1).

Sincerely,

Joseph R. Standell  
Aeronautical Center Counsel

Original Signed By  
R. BRUCE CARTER

By:  
R. Bruce Carter  
Attorney-Adviser

cc: AGC-7/AGC-200/AAC-250

AAC-7:RBCarter:lml:2296:10-22-85  
(pw)