



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

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May 20, 2011  
Via e-mail and Regular Mail

Commander Michael Cavallaro  
Office of General Law (CG-0944)  
U.S. Coast Guard  
2100 Second Street SWSTOP 7121  
Washington DC 20593-7121

Dear Commander Cavallaro:

Aircraft CG-02 (assigned FAA registration number N902CG)

This relates to the US Coast Guard's attempts to obtain assurance by FAA that it might operate the subject aircraft without first obtaining US registration. 49 U.S.C. 44101.

In his memo dated December 23, 2010, the Acting Judge Advocate General of the U.S. Coast Guard (USCG) represents that the aircraft is under exclusive lease to USCG. In your memo of 4/29/2011, you represent that the aircraft is an aircraft of the national defense forces of the United States and therefore, may be operated without U.S. registration pursuant to 49 U.S.C. 44101(b)(2).

By way of background, the aircraft is a Bombardier CL-600-2B16, Serial No. 5427. It is a fixed wing, multi engine aircraft. It was sold by Bombardier to TKC Technology Solutions, LLC (TKC-TS) in 2005 and registered to TKC-TS on March 16, 2006, as N321FX. On June 18, 2006, TKC-TS certified to FAA that it had placed special registration number N902CG on the aircraft. At that point in time, the aircraft was properly registered pursuant to 49 U.S.C. 44102(a)(1)(A) as N902CG and USCG as lessee could lawfully operate it pursuant to 49 U.S.C. 44101(a).

On 8/24/09, pursuant to 14 C.F.R. 47.51 (now 'Reserved') TKC-TS notified FAA it had sold the aircraft to TKC Aerospace Inc. (TKC-A). FAA placed the aircraft in "Sale Reported." That had the legal effect of making registration ineffective so that the aircraft should not have been operated as a civil aircraft of the United States (49 U.S.C. 40102(a)(17)) until reregistered by the new owner TKC-A.

It is important to note that the aircraft remains in 'Sale Reported' to this day, reflecting that the last legal owner of the aircraft was TKC-TS.<sup>1</sup>

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<sup>1</sup> The aircraft file for N902CG reflects that TKC-TS is now "Truestone" which by Assignment, Assumption and Ratification Agreement dated Aug. 26, 2010, assigned its rights and responsibilities under the "Prime Contract" (i.e. TKC-TS's lease with USCG) to TKC-A.

It should also be noted that earlier in 2006, TKC-TS entered into a Master Purchase Agreement with Key Government Finance, Inc., which was never consummated by bill of sale.

As reflected in your memo to me of 4/01/2011, in December 2010, USCG discovered that TKC-A has been unsuccessful in registering the aircraft in its name. (because it couldn't show chain of title from TKC-TS, the last registered owner)

That led to the USCG first concluding the aircraft was an "aircraft of the Armed Forces" and therefore, could be operated as a "public aircraft." USCG's reasoning is convincing. The problem remains however, if an aircraft which is eligible for registration, is operated either as a civil aircraft or public aircraft, it still must be registered per 49 U.S.C. 44101(a) unless an exception under 49 U.S.C. 44101(b) applies.

In your memo to me of 4/29/2011, you state the leased aircraft, in addition to transporting heads of USCG and Department of Homeland Security, while in operation, is also providing encrypted vital information. Therefore, you represent that the aircraft is an "aircraft of the national defenses forces" and is exempt from U.S. registration.

FAA does not take issue with your determination. Additionally, we note and accept USCG's express and implied representation that the aircraft is under exclusive lease to USCG and operated exclusively by USCG. (USCG memo to Capt. Emerson, para 1.)

Therefore, if the aircraft is identified in a way satisfactory to FAA (e.g. "CG-02" rather than "N902CG"), it may be operated without US registration pursuant to 49 USC 44101(b)(2).

Regards,

Joseph R. Standell