



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

Mike Monroney
Aeronautical Center

P.O. Box 25082
Oklahoma City, Oklahoma 73125

September 9, 1994

William C. Boston, Esq.
William C. Boston & Associates
1601 N.W. Expressway
Oklahoma City, OK 73118

Dear Mr. Boston:

Shannonair Leasing Ltd.; Two Boeing B737-2L9 Aircraft
Serial Numbers 21278 and 21528

This replies to your letter of September 1, 1994, in which you request our opinion concerning operation of the above referenced aircraft (the "Aircraft") in the United States under the Nonaddition Rule (14 C.F.R. Section 91.855). For our review, you submitted the following documents:

- 1) Trust Agreement, dated November 1, 1990 (the "Trust Agreement") in connection with Aircraft 21278, between Shannonair Leasing Limited, as beneficiary, and First Security Bank of Utah, N.A., as trustee, with Supplement No. 1 to Trust Agreement, dated November 1, 1990, and Affidavit;
- 2) Aircraft Purchase Agreement, date November 1, 1990 (the "Purchase Agreement"), in connection with Aircraft 21278, between Shannonair, as seller, and the Owner Trustee, as purchaser.

Based on the documents you have submitted for our review, the Aircraft, which currently meet Stage 2 noise level requirements, may be operated within the United States pursuant to the Nonaddition Rule.

Under 14 C.F.R. Section 91.855(g), a Stage 2 aircraft may operate in the contiguous United States if it complies with Stage 2 noise levels and was purchased by the importer under a written contract executed before November 5, 1990. Under 14 C.F.R. Section 91.851, "import" means a change in ownership of an airplane from a non-U.S. person to a U.S. person when the airplane is brought into the United States for operation.

The Trust Agreement and the Purchase Agreement create an obligation for Shannonair to purchase the Aircraft. The Purchase Agreement, which was executed on November 1, 1990, meets the requirement of 14 C.F.R. Section 91.855(g) that the Aircraft be purchased by an importer before November 5, 1990. Additionally, the Purchase Agreement specifically states that the "Transaction

Documents constitute or when executed will constitute legal, valid and binding obligations" of the parties. (Reference Section 2.01 and 2.02 of the Purchase Agreement.

Based on the above, the Aircraft were purchased by the importer under a written contract executed before November 5, 1990. The Aircraft, therefore, are exempted by the Nonaddition Rule from meeting the Stage 3 noise level requirements.

Sincerely,

Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

By:


Beverly D. Sharkey
Attorney