



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

Apr 6, 1999

Mr. Breton K. Lobner
Senior Assistant City Attorney
Office of the City Attorney
1 World Way
P.O. Box 92216
Los Angeles, CA 90009-2216

Dear Mr. Lobner:

This is in follow-up to your December 17, 1998, meeting with members of my staff and others regarding a December 16 Draft "Proposed Amendment to Van Nuys Noise Amendment and Curfew Regulation. You asked whether the proposed amendments to the "non-addition" rule would affect its grandfathered status under the Airport Noise and Capacity Act of 1990 (ANCA) and Federal Aviation Regulations, Part 161. The original "non-addition" rule was proposed prior to the effective date of ANCA and is, therefore, grandfathered with respect to its applicability to Stage 2 aircraft operations, as we stated more completely in our August 28, 1997, letter to you.

The December 16, 1998, draft amendment has been reviewed by this agency. The FAA notes that the amendment to the originally proposed "non-addition" rule provides additional exemptions to tenant operators. These additional exemptions are responsive to suggestions contained in our August 28, 1997, letter and do not affect the grandfathered status. The FAA's views as expressed in that letter remain valid.

This is not an endorsement or approval of any restriction proposal at Van Nuys; it is limited to an interpretation of ANCA and Part 161 applicability. It is not an opinion concerning the ability of an airport user adversely affected by any amendment to challenge any aspect of it, except as to one aspect relating to unjust discrimination, nor is it an appealable final agency order within the meaning of 49 U.S.C. 46110.

I trust that this information is helpful.

Sincerely,

/s/QETaylor for

Susan L. Kurland
Associate Administrator for Airports