



U.S. Department
of Transportation

**Federal Aviation
Administration**

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P.O. Box 25082
Oklahoma City, Oklahoma 73125

December 29, 1995

Preston G. Gaddis II
Crowe & Dunlevy
1800 Mid-America Tower
20 North Broadway
Oklahoma City, OK 73102-8273

Dear Mr. Gaddis:

Offshore flights to oil rigs in the Gulf of Mexico
Your letter of April 11, 1995

Thank you for your letter of April 11, 1995, in which you ask questions concerning Parts 91 and 47 of the Federal Aviation Regulations as they pertain to offshore helicopter operations from the U.S. to oil rigs in the Gulf of Mexico. You indicate that the oil rigs are located from a few miles to 175 miles offshore.

As you explain, the owner of the aircraft is a domestic non-U.S. citizen corporation which leases to a helicopter operator. The aircraft are registered in the name of the owner under 47 C.F.R. § 47.9 which permits U.S. registration provided the aircraft are based and primarily used in the United States.

First, you ask whether round trip flights between the U.S. mainland and off-shore oil rigs may be conducted with the "pink copy" (the temporary authority in lieu of registration, 14 C.F.R. § 47.31(b)). For operations more than 12 nautical miles from the U.S. coast, the answer is "No". (For detailed discussion, see my letter to you dated October 10, 1995, titled Pink Copy Operations Outside United States.)

Next, you ask whether "round trip flights to oil rigs beyond the three-mile limit [are] considered to be flights 'within the United States' for purposes of Section 47.9(b) of the Federal Aviation Regulations?"

The so-called "two points" rule (14 C.F.R. § 47.9(c)) is applicable to your question. That subsection provides:

(c) For the purpose of this section, only those flight hours accumulated during non-stop (except for stops in emergencies or for purposes of refueling) flights between two points in the United States, even if the aircraft is outside of the United States during part of the flight, are considered flight hours accumulated within the United States.

"United States" as defined in 49 U.S.C. § 40102(41) includes the territorial seas (12 nautical miles from the baselines of the United States per Presidential Proclamation No. 5928. See top of page 2 of my October 10 letter). Therefore, operations between the U.S. coastline and within 12 nautical miles thereof (the "territorial sea") are within the United States.

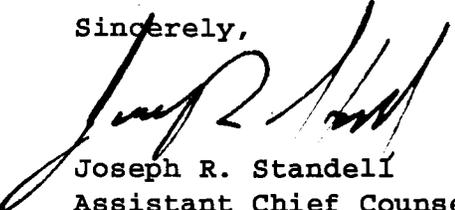
If the oil rig is within 12 nautical miles of the United States coast line it is a "point" in the United States and the round trip flight hours would count.

As with "pink copy" operations, if the oil rig is more than 12 miles from the U.S. coastline, it would not be a "point" within the United States and the round trip flight hours would not count.

In summary, a helicopter operation beyond the 12 mile limit must have a certificate of aircraft registration (not "pink copy") aboard; and the round trip flight hours for a helicopter operation to an oil rig beyond the 12 mile limit may not be counted for purposes of showing compliance with 14 C.F.R. § 47.9(b).

This opinion has been reviewed in the Office of Chief Counsel and concurred in by the organization having primary interest, the International Affairs and Legal Policy Staff (AGC-7).

Sincerely,



Joseph R. Standell
Assistant Chief Counsel
Aeronautical Center

bcc: AFS-700
AFS-750
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