Federal Aviation Administration

Memorandum

Date: June 24, 2013

To: Timothy D. Miller, Acting Manager, Flight Standards Division, ASW-200

From: Mark W. Bury, Acting Assistant Chief Counsel for International Law, Legislation and Regulations, AGC-200

Subject: Interpretation Request: Whether 14 C.F.R.133 applies to rotorcraft external-load operations conducted outside the United States.

This memorandum responds to your request for clarification of the applicability of 14 C.F.R.133 to rotorcraft external load operations conducted outside the United States. The proposed operations involve hoisting passengers into the rotorcraft using a hoist, and the transportation of those passengers from one point to the next. All of these operations would be conducted more than 12 nautical miles from the United States.

Operators who conduct rotorcraft operations for compensation or hire must hold a part 119 air carrier or operating certificate and conduct their operations under part 135. *See* §§119.25 and 119.33. Section 119.1(d) creates an exception for rotorcraft external-load operations, which must comply with the certification and operational requirements of part 133. As you correctly noted in your request, part 133 applies explicitly to "external-load operations within the United States;" therefore, the proposed external-load operations must be conducted under part 135, and in particular, §135.3(a) (2)[1] for operations over the high seas. *See* §133.1(b), Legal Interpretation to Peter Kelly, from Mark W. Bury, Acting Assistant Chief Counsel for International Law, Legislation and Regulations (June 7, 2013), and Legal Interpretation to Marshall S. Filler, from Rebecca MacPherson, Assistant Chief Counsel for Regulations (Dec.4, 2009).

[1] Section 135.3(a)(2) states in pertinent part -

> While operating outside the United States, comply with Annex 2, Rules of the Air, to the Convention on International Civil Aviation or the regulations of any foreign country, whichever applies, and with any rules of parts 61 and 91 of this chapter and this part that are more restrictive than that Annex or those regulations and that can be complied with without violating that Annex or those regulations.

This response was prepared by Lorna John, Senior Attorney, International Law, Legislation, and Regulations Division, Office of the Chief Counsel. It was coordinated with the Air Transportation Division and General Aviation and Commercial Division of the Flight Standards Service. Please contact us at (202) 267-3073 if you need additional information.

Attachment