

for a small commuter operator (with 60 or fewer seats), the FAA estimates that this final rule will not have a significant economic impact on a substantial number of small entities. A complete copy of the Regulatory Flexibility Determination is in the public docket.

Federalism Implications

The regulations do not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among various levels of government. Thus, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements associated with this rule have been approved by the Office of Management and Budget, until December 1998, in accordance with 44 U.S.C. Chapter 35 under OMB No. 2120-0593, TITLE: Commuter Operations and General Certification and Operations Requirements.

Conclusion

For the reasons set forth under the heading "Regulatory Analysis," the FAA has determined that this regulation: (1) Is a significant rule under Executive Order 12866; and (2) is a significant rule under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Also, for the reasons stated under the headings "Trade Impact Statement" and "Regulatory Flexibility Determination," the FAA certifies that the rule will not have a significant economic impact on a substantial number of small entities. A copy of the full regulatory evaluation is filed in the docket and may also be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

14 CFR Part 91

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 119

Administrative practice and procedures, Air carriers, Air taxis, Aircraft, Aviation safety, Charter flights, Commuter operations, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights,

Reporting and recordkeeping requirements.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 127

Air carriers, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Aircraft, Airplane, Airworthiness, Air transportation.

IX. The Amendments

In consideration of the foregoing and under the authority of 49 U.S.C. 44702, the Federal Aviation Administration amends the Federal Aviation Regulations (14 CFR parts 91, 119, 121, 125, 127, and 135) as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 is changed to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506–46507, 47122, 47508, 47528–47531; Articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), 902; 49 U.S.C. 106(g).

2. Special Federal Aviation Regulation No. 50–2 is amended by removing the words "part 135" from paragraph (c)(2) of section 3 and by revising section 6 to read as follows:

SFAR No. 50–2—Special Flight Rules in the Vicinity of the Grand Canyon National Park, AZ

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Sec. 6 *Commercial sightseeing flights.* (a) Non-stop sightseeing flights that begin and end at the same airport, are conducted within a 25-statute-mile radius of that airport, and operate in or through the Special Flight Rules Area during any portion of the flight are governed by the provisions of SFAR 38–2 of part 119, part 121, and 135 of this chapter, as applicable.

(b) No person holding or required to hold an air carrier certificate or an operating certificate under SFAR 38–2 or part 119 of this chapter may operate an aircraft having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember seat, and a payload capacity of 7,500 pounds or less, in the Special Flight Rules Area except as authorized by operations specifications issued under that part.

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3. Special Federal Aviation Regulation No. 71 is amended by revising section 1 and the introductory text of section 7 to read as follows:

SFAR No. 71—Special Operating Rules for Air Tour Operators in The State of Hawaii

Section 1. Applicability. This Special Federal Aviation Regulation prescribes operating rules for airplane and helicopter visual flight rules air tour flights conducted in the State of Hawaii under 14 CFR parts 91, 121, and 135. This rule does not apply to:

- (a) Operations conducted under 14 CFR part 121 in airplanes with a passenger seating configuration of more than 30 seats or a payload capacity of more than 7,500 pounds.
- (b) Flights conducted in gliders or hot air balloons.

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Section 7. Passenger briefing. Before takeoff, each PIC of an air tour flight of Hawaii with a flight segment beyond the ocean shore of any island shall ensure that each passenger has been briefed on the following, in addition to requirements set forth in 14 CFR 91.107, 121.571, or 135.117:

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4. The heading of subchapter G is revised to read as follows:

SUBCHAPTER G—AIR CARRIERS AND OPERATORS FOR COMPENSATION OR HIRE: CERTIFICATION AND OPERATIONS

5. A new part 119 is added to 14 CFR chapter I, subchapter G, to read as follows:

PART 119—CERTIFICATION: AIR CARRIERS AND COMMERCIAL OPERATORS

Subpart A—General

Sec.

119.1 Applicability.

119.2 Compliance with 14 CFR part 119 or SFAR 38–2 of 14 CFR part 121.

119.3 Definitions.

119.5 Certifications, authorizations, and prohibitions.

119.7 Operations specifications.

119.9 Use of business names.

Subpart B—Applicability of Operating Requirements to Different Kinds of Operations Under Parts 121, 125, and 135 of This Chapter

119.21 Direct air carriers and commercial operators engaged in intrastate common carriage with airplanes.

119.23 Operators engaged in passenger-carrying operations, cargo operations, or both with airplanes when common carriage is not involved.

119.25 Rotorcraft operations: Direct air carriers and commercial operators.

Subpart C—Certification, Operations Specifications, and Certain Other Requirements for Operations Conducted Under Part 121 or Part 135 of this Chapter

119.31 Applicability.

119.33 General requirements.

119.35 Certificate application.

119.37 Contents of an Air Carrier Certificate or Operating Certificate.

119.39 Issuing or denying a certificate.

119.41 Amending a certificate.