

(i) The flight must be in aircraft having a passenger seat configuration of 30 seats or fewer, excluding each crewmember seat, and a maximum payload capacity of 7500 pounds;

(ii) The flight must begin and end at the same airport, and be conducted within a 25 statute mile radius of that airport;

(iii) Each charitable or community event must qualify as one of the following:

(A) One of four or fewer events per calendar year, with each event lasting 3 days or fewer in duration, conducted to raise funds for the benefit of a charity identified by the U.S. Department of Treasury;

(B) One of four or fewer events per calendar year, lasting 3 days or fewer in duration each, conducted to raise funds for the benefit of a nonprofit entity, organized under State or Federal law, with one of the entities' purposes being the promotion of aviation safety; or

(C) One event per calendar year, lasting 3 days or fewer in duration, conducted to raise funds for the benefit of a local community cause not covered in paragraphs (e)(11)(iii)(A) or (B) of this section;

(iv) The aircraft operator may retain, or be reimbursed for, only that portion of the passenger payments for the flight that does not exceed the pro rata cost of owning, operating and maintaining the aircraft for that flight;

(v) The beneficiary of the funds raised must not be an entity in the business of transportation by air;

(vi) All flights conducted under this provision must be in compliance with subpart A, part 136 of this chapter and part 91 of this chapter;

(vii) In accordance with the requirements of § 91.147 of this chapter, the sponsor of the flight must notify the FAA Flight Standards District Office with jurisdiction over the area concerned at least 7 days before the event and furnish the required details of the charitable or community event and the pilots who will be operating the flights;

(viii) An operator or pilot conducting operations described in paragraphs (e)(11)(iii)(A) and (B) of this section must not participate in more than 4 charitable or community events in a calendar year;

(ix) An operator or pilot conducting operations described in subparagraph (e)(11)(iii)(C) of this section must not participate in more than one community event in a calendar year;

(x) Paragraph (e)(11) of this section does not apply to nonstop sightseeing flights for compensation or hire conducted within the Grand Canyon

National Park (GCNP) Special Flight Rules Area (SFRA). Flights conducted in the GCNP SFRA must be certificated under part 119 in accordance with section 93.315 of this chapter;

(xi) Paragraph (e)(11) of this section applies to nonstop sightseeing flights conducted over units of the national park, or abutting tribal lands, provided the operator has secured a letter of agreement from the FAA as specified under subpart B of part 136 and is operating in accordance with that agreement; and

(xii) Paragraph (e)(11) of this section does not apply over Rocky Mountain National Park.

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

8. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 41706, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 45101–45105, 46105.

9. Amend § 121.1 by:

a. Revising paragraph (d) introductory text;

b. Redesignating paragraphs (e) and (f) as (f) and (g) respectively; and

c. Adding a new paragraph (e).

The additions and revisions read as follows:

§ 121.1 Applicability.

(d) Before [date 6 months from the date the final rule is published in the **Federal Register**], nonstop commercial air tours conducted for compensation or hire in accordance with § 119.1(e)(2) of this chapter with airplanes having a passenger-seat configuration of 30 seats or fewer and a maximum payload capacity of 7,500 pounds or less that begin and end at the same airport and are conducted within a 25-statute-mile radius of that airport must comply only with §§ 121.455, 121.457, 121.458 and 121.459. An operator who does not hold an air carrier certificate or an operating certificate is permitted to use a person who is otherwise authorized to perform aircraft maintenance or preventive maintenance duties and who is not subject to FAA-approved anti-drug and alcohol misuse prevention programs to perform—

(1) * * *

(2) * * *

(e) Nonstop sightseeing flights described in paragraph (d) of this section must comply with the provisions of Part 136, Subpart A of this chapter by [date 120 days after

publication of the final rule in the **Federal Register**].

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PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS

10. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

11. Amend § 135.1 by revising paragraph (a)(5) and paragraph (c) to read as follows:

§ 135.1 Applicability.

(a) * * *

(5) Before [date 6 months after the date the final rule is published in the **Federal Register**], nonstop commercial air tours conducted for compensation or hire in accordance with § 119.1(e)(2) of this chapter that begin and end at the same airport and are conducted within a 25-statute-mile radius of that airport; provided further that these operations must comply only with §§ 135.249, 135.251, 135.253, 135.255, and 135.353 and with part 136, subpart A of this chapter by [date 60 days after the final rule is published in the **Federal Register**].

* * * * *

(c) Before [date 6 months after the date that the final rule is published in the **Federal Register**] for the purpose of §§ 135.249, 135.251, 135.253, 135.255, and 135.353, operator means any person or entity conducting non-stop commercial air tours in an airplane or helicopter that begin and end at the same airport and are conducted within a 25 statute mile radius of that airport, except for flights specified in § 119.1(e)(11) of this chapter.

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PART 136—AIR TOURS

12. The authority citation for part 136 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

13. Revise the heading for part 136 as shown above.

14. Redesignate the following sections to consist of a new subpart B—National Parks Air Tour Management:

Current	Redesignated as:
136.1	136.31
136.3	136.33
136.5	136.35