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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Parts 65 and 91

#### Technical Corrections

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; technical amendments.

**SUMMARY:** This action makes minor corrections to two final rules. The rules were published in the **Federal Register** on August 9, 1979 and August 18, 1989, respectively. This action corrects the paragraph reference which describes the requisite qualifications to obtain a repairman certificate. This action also corrects the appendix references which describe requirements for altimeter system and altitude reporting equipment tests and inspections. The intent of this action is to ensure that the regulations are clear and accurate.

**EFFECTIVE DATES:** Effective on February 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kim Barnette, Aircraft Maintenance Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202-493-4922); facsimile: (202-267-5115); e-mail: [kim.a.barnette@faa.gov](mailto:kim.a.barnette@faa.gov).

**SUPPLEMENTARY INFORMATION:** On August 9, 1979, the Federal Aviation Administration (FAA) published in the **Federal Register** (44 FR 46778) a final rule that amended 14 CFR 65.101 by designating the unnumbered paragraph as paragraph (a) and redesignating paragraphs (a) through (f) as paragraphs (a)(1) through (a)(6), respectively. However, the reference in paragraph (a)(6) to paragraph (c) was inadvertently not changed to reflect the redesignated numbering. This document makes the appropriate amendatory change to

§ 65.101(a)(6) to replace the incorrect reference (paragraph (c)) with the correct reference ( paragraph (a)(3)).

On August 18, 1989, the FAA published in the **Federal Register** (54 FR 34284) a final rule that included revisions to part 91, subpart E. One of the revisions was to redesignate § 91.171 (Altimeter system and altitude reporting equipment tests and inspections), as § 91.411. In making this change, the appendix references in paragraphs (a)(1) and (a)(2) were inadvertently reversed. That is, in paragraph (a)(1) we referenced appendix E, and in paragraph (a)(2), we referenced appendices E and F. However, the correct references are appendices E and F for paragraph (a)(1) and appendix E for paragraph (a)(2). This action revises § 91.411 to include the correct appendix references.

#### Technical Amendment

This technical amendment will change the paragraph reference in § 65.101(a)(6) from paragraph (c) to paragraph (a)(3). And, it will revise § 91.411 to reference appendices E and F in paragraph (a)(1) and appendix E in paragraph (a)(2).

These corrections to parts 65 and 91 will not impose any additional requirements on operators affected by these regulations.

#### List of Subjects

##### 14 CFR Part 65

Air traffic controllers, Aircraft, Airmen, Airports, Alcohol abuse, Aviation safety, Drug abuse, Reporting and recordkeeping requirements and Security measures.

##### 14 CFR Part 91

Afghanistan, Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Canada, Cuba, Ethiopia, Freight, Mexico, Noise control, Political candidates, Reporting and recordkeeping requirements, Yugoslavia.

■ Accordingly, Title 14 of the Code of Federal Regulations (CFR) parts 65 and 91 are amended as follows:

#### PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

■ 1. The authority citation for part 65 continues to read as follows:

**Authority:** 5 U.S.C. 8335(a); 49 U.S.C. 106(g); 49 U.S.C. 40113; 49 U.S.C. 44701–44703; 49 U.S.C. 44707; 49 U.S.C. 44709–44711; 49 U.S.C. 45102–45103; 49 U.S.C. 45301–45302.

■ 2. Amend § 65.101 by revising paragraph (a)(6) to read as follows:

#### § 65.101 Eligibility requirements: General.

(a) \* \* \*

(6) Be able to read, write, speak, and understand the English language, or, in the case of an applicant who does not meet this requirement and who is employed outside the United States by a certificated repair station, a certificated U.S. commercial operator, or a certificated U.S. air carrier, described in paragraph (a)(3) of this section, have this certificate endorsed “Valid only outside the United States.”

\* \* \* \* \*

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 3. The authority citation for part 91 continues 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, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

■ 4. Amend § 91.411 by revising paragraphs (a)(1) and (a)(2) to read as follows:

#### § 91.411 Altimeter system and altitude reporting equipment tests and inspections.

(a) \* \* \*

(1) Within the preceding 24 calendar months, each static pressure system, each altimeter instrument, and each automatic pressure altitude reporting system has been tested and inspected and found to comply with appendices E and F of part 43 of this chapter;

(2) Except for the use of system drain and alternate static pressure valves, following any opening and closing of the static pressure system, that system has been tested and inspected and found to comply with paragraph (a), appendix E, of part 43 of this chapter; and

\* \* \* \* \*

Issued in Washington, DC, on February 9, 2007.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking, Aviation Safety.*

[FR Doc. E7-2802 Filed 2-16-07; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 129

#### Operations: Foreign Air Carriers and Foreign Operators of U.S.-Registered Aircraft Engaged in Common Carriage; Correcting Amendment

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** This action corrects a typographical error that appeared in the final rule, Foreign Air Carriers and Operators of Certain Large U.S.-Registered Airplanes, which the FAA published in the **Federal Register** on May 28, 1987. In that final rule, the FAA inadvertently misstated the word "markings" as "marketing." The intent of this action is to correct the error in the regulations to ensure the requirement is clear and accurate.

**EFFECTIVE DATES:** Effective on February 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** Kim Barnette, Aircraft Maintenance Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Telephone: (202-493-4922); facsimile: (202-267-5115); e-mail: [kim.a.barnette@faa.gov](mailto:kim.a.barnette@faa.gov).

**SUPPLEMENTARY INFORMATION:** On May 28, 1987, the FAA published in the **Federal Register** (52 FR 20026) a final rule that amended § 129.11, among other changes, by adding a new paragraph (a)(4). In adding the new paragraph, the word "marketings" instead of "markings" was inadvertently used. This document corrects § 129.11(a)(4) to include the correct word. This correction will not impose any additional requirements on the affected operators.

#### Technical Amendment

This technical amendment will make a minor editorial correction to § 129.11(a)(4).

#### List of Subjects in 14 CFR Part 129

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping

requirements, Security measures, Smoking.

■ For the reasons set forth above, the Federal Aviation Administration correctly amends 14 CFR part 129 as follows:

#### PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

■ 1. The authority citation for part 129 continues to read as follows:

**Authority:** 49 U.S.C. 1372, 40113, 40119, 44101, 44701-44702, 44705, 44709-44711, 44713, 44716-44717, 44722, 44901-44904, 44906, 44912, 46105, Pub. L. 107-71 sec. 104.

■ 2. Amend § 129.11 by revising paragraph (a)(4) to read as follows:

#### § 129.11 Operations specifications.

(a) \* \* \*

(4) Registration markings of each U.S.-registered aircraft.

\* \* \* \* \*

Issued in Washington, DC, on February 12, 2007.

**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking, Aviation Safety.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration.

#### 14 CFR Parts 401, 415, 431, 435, 440, and 460

[Docket No. FAA-2005-23449]

RIN 2120-A157

#### Human Space Flight Requirements for Crew and Space Flight Participants

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; correction.

**SUMMARY:** When the FAA issued a final rule on human space flight, it described one rule as consistent with the Second Amendment of the Constitution because, among other things, the right to bear arms under the Second Amendment is a collective right. The FAA now withdraws that characterization and amends its description.

**DATES:** This correction is effective February 20, 2007.

**FOR FURTHER INFORMATION CONTACT:** For technical information, contact Kenneth

Wong, Deputy Manager, Licensing and Safety Division, Commercial Space Transportation, AST-200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8465; facsimile (202) 267-3686, e-mail [ken.wong@faa.gov](mailto:ken.wong@faa.gov). For legal information, contact Laura Montgomery, Senior Attorney, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3150; facsimile (202) 267-7971, e-mail [laura.montgomery@faa.gov](mailto:laura.montgomery@faa.gov).

**SUPPLEMENTARY INFORMATION:** As required by the Commercial Space Launch Amendments Act of 2004, the FAA established *Human Space Flight Requirements for Crew and Space Flight Participants*, 71 FR 75616 (Dec. 15, 2006). The FAA's new requirements for commercial human space flight include a rule on security mandating that operators "implement security requirements to prevent any space flight participant from jeopardizing the safety of the flight crew or the public" and prohibiting a space flight participant from carrying on board "any explosives, firearms, knives or other weapons." 14 CFR 460.53. In explaining this rule in response to a comment, the FAA characterized the right to bear arms under the Second Amendment of the Constitution as "a collective right." 71 FR at 75626. The FAA now withdraws that characterization of the right to bear arms. The prohibition on the carriage of firearms by participants in commercial space flights remains unchanged.

The Executive Branch, through the Department of Justice, interprets the Second Amendment as securing a right of individuals to keep and bear arms. (See Memorandum for the Attorney General from Steven G. Bradbury, Principal Deputy Assistant Attorney General, Office of Legal Counsel, *et al.*, Re: Whether The Second Amendment Secures An Individual Right (Aug. 24, 2004), available at <http://www.usdoj.gov/olcsecondoamendment2.pdf>). In light of this interpretation, the FAA is withdrawing the statement made in the final rule.

Regardless of the nature of the right, however, it remains true, as we noted, that the right is, like any other, not unfettered. The Justice Department itself made this abundantly clear in its analysis and through its historical review. (See *generally id.* at 1-5, 6 n.19, 8 n.29, 18 n.68, 61-68, 73, 81-82, 87-98, 102-04.) Similarly, the Fifth Circuit, which treats the right to bear arms as an