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**Pamela Hamilton-Powell,**

*Director, Office of Rulemaking, Aviation Safety.*

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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.

\* \* \* \* \*

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**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