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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. APHIS-2007-0028]

Emerald Ash Borer; Quarantined Areas; Maryland

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the emerald ash borer regulations by adding Prince George's County, MD, to the list of areas quarantined because of emerald ash borer. The interim rule was necessary to prevent the artificial spread of the emerald ash borer from Prince George's County, MD, into noninfested areas of the United States. As a result of the interim rule, the interstate movement of regulated articles from that county is restricted.

DATES: Effective on October 9, 2007, we are adopting as a final rule the interim rule published at 72 FR 30458-30460 on June 1, 2007.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah McPartlan, National Emerald Ash Borer Program Manager, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-4387.

SUPPLEMENTARY INFORMATION:

Background

The emerald ash borer (EAB) (*Agrilus planipennis*) is a destructive woodboring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, black ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and

known to occur in China, Korea, Japan, Mongolia, the Russian Far East, Taiwan, and Canada, eventually kills healthy ash trees after it bores beneath their bark and disrupts their vascular tissues.

The EAB regulations in 7 CFR 301.53-1 through 301.53-9 (referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of EAB to noninfested areas of the United States.

In an interim rule¹ effective and published in the **Federal Register** on June 1, 2007 (72 FR 30458-30460, Docket No. APHIS-2007-0028), we amended the EAB regulations in § 301.53-3(c) by adding Prince George's County, MD, to the list of quarantined areas.

Comments on the interim rule were required to be received on or before July 31, 2007. We received one comment by that date. The comment was from a State insect pest prevention and management program supervisor who supported the interim rule. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act. Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 72 FR 30458-30460 on June 1, 2007.

¹ To view the interim rule and the comment we received, go to <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2007-0028>.

Done in Washington, DC, this 2nd day of October 2007.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. E7-19839 Filed 10-5-07; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2006-23954; Directorate Identifier 2005-NE-54-AD; Amendment 39-15202; AD 2007-19-11]

RIN 2120-AA64

Airworthiness Directives; Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D Turboshaft Engines; Correction

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule; correction.

SUMMARY: The FAA is correcting airworthiness directive (AD) 2007-19-11. That AD applies to Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D turboshaft engines. We published that AD in the **Federal Register** on September 21, 2007 (72 FR 53937). The AD number of the superseded AD, is incorrect in two places in the preamble, and in one place in paragraph (b). This document corrects those AD numbers. In all other respects, the original document remains the same.

DATES: *Effective Date:* Effective October 9, 2007.

FOR FURTHER INFORMATION CONTACT:

Christopher Spinney, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; telephone (781) 238-7175; fax (781) 238-7199.

SUPPLEMENTARY INFORMATION: On September 21, 2007 (72 FR 53937), we published a final rule AD, FR Doc. E7-18484, in the **Federal Register**. That AD applies to Turbomeca S.A. Artouste III B, Artouste III B1, and Artouste III D turboshaft engines. We need to make the following corrections:

On page 53937, in the second column, in the Supplementary Information

paragraph, in the third line, "2005-04-15" is corrected to read "2006-04-15".

On page 53938, in the first column, in the second line, "2005-04-15" is corrected to read "2006-04-15".

§ 39.13 [Corrected]

■ On page 53938, in the third column, in paragraph (b), in the first line, "2005-04-15" is corrected to read "2006-04-15".

Issued in Burlington, Massachusetts, on October 1, 2007.

Peter A. White,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. E7-19686 Filed 10-5-07; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 119, 121, and 135

[Docket No. FAA-2006-24260]

Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of policy statement.

SUMMARY: This document identifies and provides guidance on the current FAA policies regarding requests for exemption from the rules governing the operation of aircraft for the purpose of carrying passengers on living history flights in return for compensation. Specifically, this document clarifies which aircraft are potentially eligible for an exemption and what type of information petitioners should submit to the FAA for proper consideration of relief from the applicable regulations.

DATES: This policy becomes effective on October 9, 2007.

FOR FURTHER INFORMATION CONTACT: General Aviation and Commercial Division, Certification and General Aviation Operations Branch (AFS-810), Flight Standards Service, FAA, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8212.

SUPPLEMENTARY INFORMATION:

Background

In 1996, the FAA granted an exemption from various requirements of part 91 and part 119 to an aviation museum/foundation allowing the exemption holder to operate a large, crew-served, piston-powered,

multiengine, World War II (WWII) bomber carrying passengers for the purpose of preserving U.S. military aviation history. In return for donations, the contributors would receive a local flight in the restored bomber.

The petitioner noted that WWII combat aircraft are unique in that only a limited number remain in flyable condition, and that number is declining with the passage of time. In addition, the petitioner noted replacement parts and the specific gasoline used by these airplanes will eventually be in short supply, and may substantially reduce the aircraft performance capability or require the airplanes to be grounded.

The petitioner indicated that compensation would be collected to help cover expenses associated with maintaining and operating the WWII airplane. Without these contributions, the petitioner asserted that the cost of operating and maintaining the airplane would be prohibitive.

The FAA determined that these airplanes were operated under a limited category airworthiness certificate. Without type certification under Title 14 Code of Federal Regulations (14 CFR) § 21.27, they are not eligible for standard airworthiness certificates. The high cost of type certification under § 21.27 makes this avenue impractical for operators providing living history flights. Comparable airplanes manufactured under a standard airworthiness certificate did not exist. As a result, the FAA determined that an exemption was an appropriate way to preserve aviation history and keep the airplanes operational. In granting the exemption, the FAA found that there was an overwhelming public interest in preserving U.S. aviation history, just as the preservation of historic buildings, historic landmarks, and historic neighborhoods have been determined to be in the public interest. While aviation history can be represented in static displays in museums, in the same way historic landmarks could be represented in a museum, the public has shown support for and a desire to have these historic aircraft maintained and operated to allow them to experience a flight.

Since the issuance of that exemption, the FAA has received many exemption requests seeking the same or similar relief, even though the particular circumstances were different. These subsequent petitions raised significant concerns within the FAA and led it to reexamine and refine its criteria for issuing exemptions.

For example, petitioners have requested exemptions to operate certain large turbojet-powered aircraft, which

included a foreign-manufactured and operated, surplus military turbojet aircraft. Some turbojet-powered aircraft (L-29, L-39, TS-11, Alfa Jet, etc.) remain in active military service or are readily available in the current international market. The availability of these aircraft is indicative of an increasing market and thus undermines any argument that this aircraft meets the public interest goal of preserving unique, historical aircraft. Additionally, the FAA was concerned that petitioners could not demonstrate that these aircraft had been adequately maintained. Unlike foreign manufactured military surplus aircraft, operators of U.S.-manufactured surplus military aircraft certificated in an airworthiness category (experimental, limited, and restricted category under § 21.25(a)(2)) for which no common standards exist, were required to avoid potential safety issues through (1) the continued operation and maintenance requirements imposed on them, and (2) a requirement to provide adequate documentation of previous operational maintenance history.

As a result of these requests, the FAA published a draft policy notice in the **Federal Register** on March 27, 2006 (71 FR 15087) (Docket number FAA-2006-24260) clarifying its position regarding the issuance of exemptions for passenger carrying operations conducted for compensation and hire in other than standard category aircraft. Two comments were forwarded to the docket for consideration. The first was submitted by individuals who serve as volunteers at the Wright B Flyer Museum. These individuals generally supported the proposal, but asked that it be expanded to include experimental amateur built aircraft, such as their Wright B Flyer replica. Item 1 below (under FAA Policy section) states, "Aircraft holding any category of airworthiness certificate issued under 14 CFR part 21 may be considered for an exemption to provide living history flight experiences." This would include the Wright B Replica.

The other comment, submitted by the Experimental Aircraft Association, addressed several issues. The first issue addressed typographical errors in the numbering sequence of the paragraphs that appeared in the draft notice. The errors were numbering errors and not missing information. They have been corrected. Second, EAA spoke to concerns regarding the revision of operating limitations. EAA states that the current wording of proposed paragraph 10 could lead to the possibility of revised operating limitations exceeding the scope of this proposed policy. This was not the