

challenge and the alternate order of removal entered pursuant to paragraph (d) shall immediately take effect. The Board shall advise the alien of the condition provided in this paragraph in writing as part of an order reinstating the immigration judge's grant of voluntary departure. The automatic termination of a grant of voluntary departure and the effectiveness of the alternative order of removal shall not affect, in any way, the date that the order of the immigration judge or the Board became administratively final, as determined under the provisions of the applicable regulations in this chapter. Since the grant of voluntary departure is terminated by the filing of the petition for review, the alien will be subject to the alternate order of removal, but the penalties for failure to depart voluntarily under section 240B(d) of the Act shall not apply to an alien who files a petition for review, and who remains in the United States while the petition for review is pending.

(j) *Penalty for failure to depart.* The civil penalty for failure to depart, pursuant to section 240B(d)(1)(A) of the Act, shall be set at \$3,000 unless the immigration judge specifically orders a higher amount at the time of granting voluntary departure. The immigration judge shall advise the alien of the amount of this civil penalty at the time of granting voluntary departure.

\* \* \* \* \*

#### **PART 1241—APPREHENSION AND DETENTION OF ALIENS ORDERED REMOVED**

4. The authority citation for part 1241 continues to read as follows:

**Authority:** 5 U.S.C. 301, 552, 552a; 8 U.S.C. 1103, 1182, 1223, 1224, 1225, 1226, 227, 1231, 1251, 1253, 1255, 1330, 1362; 18 U.S.C. 4002, 4013(c)(4).

5. Section 1241.1 is amended by revising paragraph (f), to read as follows:

##### **§ 1241.1 Final order of removal.**

\* \* \* \* \*

(f) If an immigration judge issues an alternate order of removal in connection with a grant of voluntary departure, upon overstay of the voluntary departure period except as provided in the following sentence, or upon the failure to post a required voluntary departure bond if the respondent has waived appeal. If the respondent has filed a timely appeal with the Board, the order shall become final upon an order of removal by the Board or the Attorney General, or upon overstay of the voluntary departure period granted or

reinstated by the Board or the Attorney General.

Dated: November 27, 2007.

**Michael B. Mukasey,**

*Attorney General.*

[FR Doc. E7-23289 Filed 11-29-07; 8:45 am]

**BILLING CODE 4410-30-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

**[Docket No. FAA-2007-0258; Directorate Identifier 2007-CE-090-AD]**

**RIN 2120-AA64**

#### **Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-500, AT-600, and AT-800 Series Airplanes**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2007-13-17, which applies to all Air Tractor, Inc. (Air Tractor) Models AT-602, AT-802, and AT-802A airplanes. AD 2007-13-17 currently requires you to repetitively inspect the engine mount for any cracks, repair or replace any cracked engine mount, and report any cracks found to the FAA. Since we issued AD 2007-13-17, Air Tractor has learned of a Model AT-502B with a crack located where the lower engine mount tube is welded to the engine mount ring. In addition, Snow Engineering Co. has developed gussets that, when installed according to their service letter, terminate the repetitive inspection requirement. Consequently, this proposed AD would retain the inspection actions of AD 2007-13-17 for Model AT-602, AT-802, and AT-802A airplanes, including the compliance times and effective dates; establish new inspection actions for the AT-400 and AT-500 series airplanes; incorporate a mandatory terminating action for all airplanes; and terminate the reporting requirement of AD 2007-13-17. We are proposing this AD to detect and correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

**DATES:** We must receive comments on this proposed AD by January 29, 2008.

**ADDRESSES:** Use one of the following addresses to comment on this proposed AD:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

• *Fax:* (202) 493-2251.

• *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

• *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564-5616; fax: (940) 564-5612.

#### **FOR FURTHER INFORMATION CONTACT:**

Andy McAnaul, Aerospace Engineer, ASW-150, FAA San Antonio MIDO-43, 10100 Reunion Pl, San Antonio, Texas 78216; phone: (210) 308-3365; fax: (210) 308-3370.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

We invite you to send any written relevant data, views, or arguments regarding this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number, "FAA-2007-0258; Directorate Identifier 2007-CE-090-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the proposed AD. We will consider all comments received by the closing date and may amend the proposed AD in light of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive concerning this proposed AD.

##### **Discussion**

Two reports of Model AT-802A airplanes with cracked engine mounts (at 2,815 hours time-in-service (TIS) and 1,900 hours TIS) caused us to issue AD 2007-13-17, Amendment 39-15121 (72 FR 36863, July 6, 2007). AD 2007-13-17 currently requires the following on all Air Tractor Models AT-602, AT-802, and AT-802A airplanes:

- Inspect (initially and repetitively) the engine mount for any cracks;
- Repair or replace any cracked engine mount; and
- Report any cracks found to the FAA.

Since we issued AD 2007-13-17, Air Tractor notified the FAA of a Model AT-502B airplane with a crack located where the lower engine mount tube is welded to the engine mount ring. The airplane had 8,436 total hours TIS. The cracking is similar to what prompted us to issue AD 2007-13-17.

The Model AT-502B engine mount is the same design used in the Models AT-400, AT-400A, AT-402, AT-402A, AT-402B, AT-502, and AT-503A airplanes. The Model AT-502A airplane uses the same engine mount design as the airplanes affected by AD 2007-13-17. Therefore, we determined that these airplane models should be subject to the actions of AD 2007-13-17.

Currently, the FAA is aware of the following airplanes that have had cracked engine mounts:

- 1 Model AT-502B;
- 3 Model AT-602; and
- 11 Model AT-802/802A.

This condition, if not corrected, could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

In addition, Snow Engineering Co. developed gussets for an FAA-approved repair scheme to AD 2007-13-17. Snow Engineering Co. tested the engine mount with the gussets installed; and based on their test data, which has been approved by the FAA, installation of the gussets terminates the repetitive inspection requirement.

**Relevant Service Information**

We have reviewed Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007.

The service information describes procedures for:

- Performing a visual inspection of the engine mount for cracks;
- Repairing the engine mount if cracks are found; and
- Adding gussets to reinforce the engine mount and terminate the inspection requirement.

**FAA’s Determination and Requirements of the Proposed AD**

We are proposing this AD because we evaluated all information and

determined the unsafe condition described previously is likely to exist or develop on other products of the same type design. This proposed AD would supersede AD 2007-13-17 with a new AD that would retain the inspection actions of AD 2007-13-17 for Models AT-602, AT-802, and AT-802A airplanes, including the compliance times and effective dates; establish new inspection actions for the AT-400 and AT-500 series airplanes; incorporate a mandatory terminating action for all airplanes; and terminate the reporting requirement of AD 2007-13-17. This proposed AD would require you to use the service information described previously to perform these actions.

**Costs of Compliance**

We estimate that this proposed AD would affect 1,264 airplanes in the U.S. registry, including those airplanes affected by AD 2007-13-17.

We estimate the following costs to do the proposed inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1.5 work-hours × \$80 per hour = \$120 .....	\$0	\$120	\$151,680

We estimate the following costs to do the repair/modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
24 work-hours × \$80 per hour = \$1,920 .....	\$80	\$2,000	\$2,528,000

The estimated total cost on U.S. operators includes the cumulative costs associated with AD 2007-13-17 and those airplanes and actions being added in this AD.

**Authority for This Rulemaking**

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency’s authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation

is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and
3. Will not have a significant economic impact, positive or negative,

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

**Examining the AD Docket**

You may examine the AD docket that contains the proposed AD, the regulatory evaluation, any comments received, and other information on the Internet at <http://www.regulations.gov>; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone (800) 647-5527) is located at the street address stated in the ADDRESSES section. Comments will be available in the AD docket shortly after receipt.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2007–13–17, Amendment 39–15121 (72 FR 36863, July 6, 2007), and adding the following new AD:

**Air Tractor, Inc.:** Docket No. FAA–2007–0258; Directorate Identifier 2007–CE–090–AD.

**Comments Due Date**

(a) We must receive comments on this airworthiness directive (AD) action by January 29, 2008.

**Affected ADs**

(b) This AD supersedes AD 2007–13–17, Amendment 39–15121.

**Applicability**

(c) This AD applies to the following airplane models and serial numbers that are certificated in any category:

Model	Serial numbers
AT–400, AT–400A, AT–402, AT–402A, and AT–402B .....	–0001 through –1175.
AT–502, AT–502A, AT–502B, and AT–503A .....	–0001 through –2597.
AT–602 .....	–0001 through –1141.
AT–802 and AT–802A .....	–0001 through –0227.

**Unsafe Condition**

(d) This AD results from a report of a Model AT–502B airplane with a crack located where the lower engine mount tube is welded to the engine mount ring. The airplane had 8,436 total hours time-in-service (TIS). We are issuing this AD to detect and

correct cracks in the engine mount, which could result in failure of the engine mount. Such failure could lead to separation of the engine from the airplane.

**Compliance**

(e) To address this problem, you must do the following, unless already done:

(1) *For all airplanes with less than 5,000 hours total TIS that do not have gussets installed on the engine mount in accordance with Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007:* Visually inspect the engine mount as follows:

Affected airplanes	Compliance	Procedures
(i) <i>For all Models AT–602, AT–802, and AT–802A airplanes.</i>	Initially before the airplane reaches a total of 1,300 hours TIS or within the next 100 hours TIS after August 10, 2007 (the effective date of AD 2007–13–17), whichever occurs later. Repetitively thereafter at intervals not to exceed 300 hours TIS.	Follow Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007, or Snow Engineering Co. Service Letter #253, revised January 22, 2007.
(ii) <i>For all Model AT–502A airplanes .....</i>	Initially before the airplane reaches a total of 1,300 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later. Repetitively thereafter at intervals not to exceed 300 hours TIS.	Follow Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007.
(iii) <i>For all Models AT–400, AT–400A, AT–402, AT–402A, AT–402B, AT–502, AT–502B, and AT–503A airplanes.</i>	Initially within the next 12 months after the effective date of this AD. Repetitively thereafter at intervals not to exceed 12 months.	Follow Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007.

(2) *For all airplanes:* Before further flight after any inspection required by paragraph (e)(1) of this AD where crack damage is found, repair and modify the engine mount by installing gussets following Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007. This modification terminates the repetitive inspections required in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD.

(3) *For all airplanes:* Before the airplane reaches 5,000 hours total TIS after the effective date of this AD or within the next 100 hours TIS after the effective date of this AD, whichever occurs later; inspect, repair if cracked, and modify the engine mount by installing gussets following Snow Engineering Co. Service Letter #253 Rev. A, dated October 16, 2007. This modification terminates the repetitive inspections required

in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD.

**Note:** As a terminating action to the repetitive inspections required in paragraphs (e)(1)(i), (e)(1)(ii), and (e)(1)(iii) of this AD, you may install the gussets before finding cracks or reaching 5,000 hours total TIS.

**Alternative Methods of Compliance (AMOCs)**

(f) The Manager, Forth Worth Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Andy McAnaul, Aerospace Engineer, ASW–150, FAA San Antonio MIDO–43, 10100 Reunion Pl, San Antonio, Texas 78216; phone: (210) 308–3365; fax: (210) 308–3370. Before using any approved AMOC on any airplane to which

the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

**Related Information**

(g) To get copies of the service information referenced in this AD, contact Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; telephone: (940) 564–5616; fax: (940) 564–5612. To view the AD docket, go to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, or on the Internet at <http://www.regulations.gov>. The docket number is Docket No. FAA–2007–0258; Directorate Identifier 2007–CE–090–AD.

Issued in Kansas City, Missouri, on November 23, 2007.  
**Steven W. Thompson,**  
*Acting Manager, Small Airplane Directorate, Aircraft Certification Service.*  
 [FR Doc. E7-23229 Filed 11-29-07; 8:45 am]  
**BILLING CODE 4910-13-P**

**DEPARTMENT OF HOMELAND SECURITY**  
**Federal Emergency Management Agency**

**44 CFR Part 67**  
**[Docket No. FEMA-B-7744]**

**Proposed Flood Elevation Determinations; Correction**

**AGENCY:** Federal Emergency Management Agency, DHS.  
**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects the table to a proposed rule published in the **Federal Register** of November 2, 2007. This correction clarifies the table representing the flooding source(s), location of referenced elevation, the effective and modified elevation in feet

and the communities affected for Tulsa County, Oklahoma, and Incorporated Areas; specifically, for flooding sources “Horsepen Creek Tributary B” and “Horsepen Creek Tributary B Tributary,” that was previously published.

**DATES:** Comments to be submitted on or before January 31, 2008.

**FOR FURTHER INFORMATION CONTACT:** William R. Blanton, Jr., Engineering Management Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646-2903.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency (FEMA) publishes proposed determinations of Base (1-percent-annual-chance) Flood Elevations (BFEs) and modified BFEs for communities participating in the National Flood Insurance Program (NFIP), in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean

that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed BFEs are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

**Correction**

In proposed rule FR Doc. E7-21595, beginning on page 62182 in the issue of November 2, 2007, make the following corrections, in the table published under the authority of 44 CFR 67.4. On page 62182, in § 67.4, in the table with center heading Tulsa County, Oklahoma, and Incorporated Areas, the flooding source(s), location of referenced elevation, the effective and modified elevation in feet and the communities affected for flooding source “Horsepen Creek Tributary B”, needs to be corrected to read as follows:

Flooding source(s)	Location of referenced elevation**	*Elevation in feet (NGVD) +Elevation in feet (NAVD) # Depth in feet above ground		Communities affected
		Effective	Modified	
*	*	*	*	*
<b>Tulsa County, Oklahoma, and Incorporated Areas</b>				
*	*	*	*	*
Horsepen Creek Tributary B	Confluence with Horsepen Creek .....	None .....	+642	Unincorporated Areas of Tulsa County.
	Approximately 370 ft upstream of confluence with Horsepen Creek Tributary B Tributary.	None .....	+644	
Horsepen Creek Tributary B Tributary.	Confluence with Horsepen Creek Tributary B .....	None .....	+643	Unincorporated Areas of Tulsa County.
	Approximately 2800 ft upstream of confluence with Horsepen Creek Tributary B.	None .....	+650	
*	*	*	*	*