

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

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AEA PA E5 Downingtown, PA [Removed]

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Issued in Jamaica, New York, on March 23, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 129

[Docket No. 29104; Notice No. 97-16A]

RIN 2120-AF81

Repair Assessment for Pressurized Fuselages

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The FAA announces an extension of the comment period for Notice of Proposed Rulemaking (NPRM) No. 97-16, which was published in the **Federal Register** on January 2, 1998. In that notice, the FAA invites public comments relative to a proposal that would require incorporation of repair assessment guidelines for the fuselage pressure boundary (fuselage skins and pressure webs) of certain transport category airplane models into the FAA-approved maintenance or inspection program of each operator of those airplanes. This extension is necessary to afford all interested parties an opportunity to present their views on the proposed rulemaking.

DATES: Comments must be received on or before July 2, 1998.

ADDRESSES: Comments on Notice 97-16 may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-200), Docket No. 19104, 800 Independence Avenue SW., Washington, DC 20591; or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked Docket No. 29104. Comments may also be submitted electronically to: 9-NPRM-CMTS@faa.dot.gov. Comments may be examined in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. In addition, the FAA

is maintaining an information docket of comments in the Transport Airplane Directorate (ANM-100), Federal Aviation Administration, Northwest Mountain Region, 1601 Lind Avenue SW., Renton, WA 98055-4056.

Comments in the information docket may be examined weekdays, except Federal holidays, between 7:30 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Dorenda Baker, Manager, Airframe and Airworthiness Branch, ANM-115, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055-4056; telephone (425) 227-2109, facsimile (425) 227-1100.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the rulemaking proposed in Notice 97-16 by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adoption of the proposals in the notice are also invited. Substantive comments should also be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments in triplicate to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rulemaking. The proposals contained in Notice 97-16 may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 29104." The postcard will be date stamped and returned to the commenter.

Availability of the NPRM

An electronic copy of Notice 97-16 may be downloaded using a modem and suitable communications software from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339), the online Federal Register database

through GPO Access (telephone: 202-512-1661), or the FAA's Aviation Rulemaking Advisory Committee Bulletin Board service (telephone: 202-267-5948).

Internet users may reach the FAA's web page at <http://www.faa.gov> or GPO's Federal Register web page at http://www.access.gpo.gov/su_docs for access to recently published rulemaking documents.

Any person may obtain a copy of Notice 97-16 by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling (202) 267-9677. Communications must identify the notice number. Persons interested in being placed on a mailing list for future rulemaking documents should request from the Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Ave SW., Washington, D.C. 20591, or by calling (202) 267-3484, a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

On January 2, 1998, the FAA published Notice No. 97-16 (63 FR 126). In that notice the FAA proposed rulemaking that would require incorporation of repair assessment guidelines for the fuselage pressure boundary (fuselage skins and pressure webs) of certain transport category airplane models into the FAA-approved maintenance or inspection program of each operator of those airplanes. This action is the result of concern for the continued operational safety of airplanes that are approaching or have exceeded their design service goal. The purpose of the repair assessment guidelines is to establish a damage-tolerance based supplemental inspection program for repairs to detect damage, which may develop in a repaired area, before that damage degrades the load-carrying capability of the structure below the levels required by the applicable airworthiness standards.

Since Notice 97-16 was published, the FAA has received requests from persons requesting that the comment period for the notice be extended past April 2, 1998, to allow commenters more time in which to study the proposal and to prepare their comments. The commenters point out that in some cases the repair assessment guidelines referred to in the notice are not available from the manufacturer for review. The commenters had anticipated being able

to review the guidelines along with the proposals in the notice in order to provide meaningful comment on the proposed rulemaking by the April 2 comment deadline. As this has not been the case, the commenters now request that the comment period be extended for a sufficient amount of time to allow the issuance of the guidelines by the manufacturers and to allow the commenters to study the proposal and prepare their comments. The FAA anticipates that the guidelines will be available for operators to review within 30 days after the publication of this notice.

Extension of Comment Period

The FAA has reviewed the requests for consideration of an extended comment period for Notice 97-16 and determined that an extension would be in the public interest and that good cause exists for taking this action. Accordingly, the comment period for Notice 97-16, as well as the draft advisory circular (AC) 120-XX, is extended for an additional ninety days, as identified under the caption **DATES**.

Issued in Washington, D.C. on March 27, 1998.

Elizabeth Erickson,

Deputy Director, Aircraft Certification Service.

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COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 10

Rules of Practice; Proposed Amendments

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed amendments.

SUMMARY: The Commodity Futures Trading Commission ("Commission" or "CFTC") requests comments on proposed amendments to its Rules of Practice ("Rules") which govern most adjudicatory proceedings brought under the Commodity Exchange Act, as amended ("Act"), other than reparations actions. The proposed amendments are intended to improve the overall fairness and efficiency of the administrative process, as well as to facilitate use of the authority granted to the Commission by the Futures Trading Practices Act of 1992 ("FTPA") to require the payment of restitution by respondents in administrative enforcement proceedings.

The Commission has not attempted to revisit wholesale its Rules of Practice. Rather, the proposed amendments focus on a few key areas where case law and current practice suggest that clarification or revision may be most useful. Besides restitution, most of the substantive amendments being proposed relate to prehearing discovery. The other proposed changes are technical in nature, clarifying or updating existing rules to reflect recent Commission decisions and better accord with the current practices being followed by the Commission's Administrative Law Judges ("ALJs").

With respect to prehearing discovery, the Commission is proposing, among other revisions, to: clarify the obligations of its Division of Enforcement ("Division") under existing Rule 10.42(b), by requiring production to respondents of specified information in the Division's investigative files; obligate all parties to produce prior statements of any witness whom they intend to call that relate to that witness's anticipated testimony; and allow all parties to subpoena documents for production prior to the scheduled hearing date. These and the other proposed changes regarding discovery will foster a greater exchange of relevant information between the Division and respondents and clarify the production obligations of each party, thus bringing about increased efficiency and fairness in CFTC administrative proceedings.

The Commission is also proposing to put procedures in place to facilitate the restitution process in adjudicatory proceedings. A new provision would be added to existing Rule 10.84 that would be applicable to any proceeding in which an order requiring the payment of restitution may be entered. Under this provision, if the ALJ decides that restitution is an appropriate remedy, he or she would issue an order specifying the violations that form the basis for restitution, the customers or class of customers entitled to seek restitution and the method of calculating and, if then determinable, the amount of restitution to be paid.

The actual administration of an ALJ's restitution order would be governed by a new subpart in the Rules of Practice that would allow the Division to recommend to the Commission or, at the Commission's discretion, to the presiding ALJ a procedure for notifying individual customers who may be entitled to restitution, receiving and evaluating customer claims, obtaining funds to be paid as restitution from the respondent and distributing such funds to qualified claimants. The respondent would be given notice of the Division's

recommendations and afforded an opportunity to be heard before the procedure is implemented.

Although largely technical in nature, the remaining changes being proposed by the Commission reflect matters raised in recent decisions issued by the Commission or its ALJs in enforcement cases, involving, for example, commencement of the proceeding, the service of complaints and other papers, amending complaints, advance rulings on the admissibility of evidence, the presentation of rebuttal evidence, and the filing of cross appeals, reply briefs (on appeal), petitions for reconsideration and stay applications. The Commission is also proposing to add an appendix to the Rules of Practice, setting forth the Commission's policy not to accept any offer of settlement in an administrative or a civil proceeding if the respondent or defendant wishes to continue to deny the allegations of the Commission's complaint (although they may continue to state that they neither admit nor deny the allegations).

The Commission welcomes public comment on the proposed changes to its Rules of Practice. Suggestions on other changes that would improve or expedite the adjudicatory process are also invited.

DATES: Comments must be received on or before June 2, 1998.

ADDRESSES: Comments on the proposed amendments should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581. Comments may be sent by electronic mail to secretary@cftc.gov. Reference should be made to "Proposed Amendments to the Rules of Practice."

FOR FURTHER INFORMATION CONTACT: Stephen Mihans, Office of Chief Counsel, Division of Enforcement, at (202) 418-5399 or David Merrill, Office of the General Counsel, at (202) 418-5120, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: The Commission is proposing for comment amendments to its Rules of Practice, 17 CFR 10.1-10.109, which were promulgated originally in 1976, shortly after the Commission was established as an independent agency. 41 FR 2508 (Jan. 16, 1976). Although the Commission's proposals are not intended to be sweeping or groundbreaking, they do represent the first major revision of the Rules in more than 20 years. Practices of the