

DATES: Comments must be received on or before June 5, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA-530, Docket No. 97-AEA-24, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport, Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Operations Branch, AEA-530 F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430; telephone: (718)553-4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 97-AEA-24," The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Lewisburg, WV. A GPS RWY 22 SIAP, and a VOR RWY 22 SIAP for the Greenbrier Valley Airport have been developed. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate these SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6006 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR Part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, is proposed to be amended as follows:

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

* * * * *

AEA WV E5 Lewisburg, WV [Revised]

Greenbrier Valley Airport, Lewisburg, WV (Lat. 37°51'30" N., long 80°23'58" W.)

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Greenbrier Valley Airport and within 4.4 miles each side of the 215° bearing from the Greenbrier Valley Airport extending from the 9-mile radius to 17 miles southwest of the airport and within 4.4 miles each side of the 020° bearing from the Greenbrier Valley Airport extending from the 9-mile radius to 12 miles northeast of the airport.

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Issued in Jamaica, New York, on May 7, 1997.

John S. Walker,

Manager, Air Traffic Division, Eastern Region.
[FR Doc. 97-13586 Filed 5-22-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 401, 411, 413, 415 and 417

[Docket No. 28851; Notice 97-2]

RIN 2120-AF99

Commercial Space Transportation Licensing Regulations; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction.

SUMMARY: This document corrects the preamble to a proposed rule published in the **Federal Register** on March 19, 1997 (62 FR 13216) which proposes to amend licensing regulations for launching commercial launch vehicles from Federal launch ranges. The proposed regulations are intended to provide applicants and licensees greater

specificity and clarity regarding the scope of a license, and regarding licensing requirements and criteria.

FOR FURTHER INFORMATION CONTACT: J. Randall Repcheck, Commercial Space Transportation, AST-200, (202) 366-2258 or Laura Montgomery, Office of the Chief Counsel, AGC-200, (202) 366-9305.

Correction

In proposed FR Doc. 97-6607, on page 13234 in the **Federal Register** issue of March 19, 1997, make the following corrections:

1. On page 13234 in the third column, under the heading: E. Paperwork Reduction Act, in the first paragraph, line 7, change the word "approval" to "review." and remove the words "under OMB No. 2105-0515, Title: Commercial Space Transportation Licensing Regulations."

2. On the same page, in the same column, under the same heading, in the second paragraph, in lines 29 and 30, concurrently "518 hours" should read "518 hours×4=2,072 hours" and "421 hours" should read "421 hours×2=842 hours for a total of 2,914 hours".

3. On the same page, in the same column, under the same heading, in the third paragraph, line 12, the docket number "49815" should be changed to "28851".

Issued in Washington, DC on May 15, 1997.

Donald P. Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 97-13573 Filed 5-22-97; 8:45 am]

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DEPARTMENT OF JUSTICE

28 CFR Part 58

RIN 1105-AA54

Procedures for Suspension and Removal of Panel Trustees and Standing Trustees

AGENCY: Department of Justice.

ACTION: Proposed rule.

SUMMARY: The United States Trustee Program ("Program") is formalizing procedures by which a chapter 7 panel trustee and a standing chapter 12 or chapter 13 trustee can seek review within the agency of a decision by the United States Trustee to suspend or terminate the assignment of cases to the trustee. The procedures are a mandatory prerequisite for the trustee to seek judicial review. The proposed rule specifies the manner in which the

United States Trustee shall notify a trustee of the decision to suspend or terminate the assignment of cases. It also establishes the procedure by which a trustee may request further review and decision by the Director.

DATES: Written comments must be submitted on or before July 22, 1997.

ADDRESSES: Please submit written comments to the Office of the General Counsel, Executive Office for United States Trustees, 901 E Street, N.W., Room 740, Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: Martha L. Davis, General Counsel, or P. Matthew Sutko, Attorney, (202) 307-1399. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The United States Trustee Program was first enacted on a pilot basis by the Bankruptcy Reform Act of 1978, Pub. L. No. 95-598, 92 Stat. 2549 (1978), which instituted massive reform in the Federal bankruptcy system. The United States Trustee Program is a component of the Department of Justice charged with the responsibility of supervising the administration of bankruptcy cases and trustees. The success of the pilot program led Congress to expand the Program nationwide in 1986 as a permanent program in the Department of Justice. Bankruptcy Judges, United States Trustees, and Family Farmers Act of 1986, Pub. L. No. 99-554, 100 Stat. 3088 (1986).

The Program consists of an Executive Office for United States Trustees, which is headed by the Director, and 21 United States Trustees. Among the administrative functions assumed by the Program is the responsibility to appoint and supervise trustees who administer cases under chapters 7, 12, and 13 of the Bankruptcy Code. 28 U.S.C. §§ 509, 510 and 586. The United States Trustee Program has enacted standards that set minimum qualifications for appointment. 28 CFR part 58.

A trustee's performance is monitored by the United States Trustee Program on an ongoing basis. When appropriate, the United States Trustee will stop assigning cases to a trustee. In some instances, this is temporary, as in the case of a suspension; in others it is permanent. This occurs most often when a trustee engages in improper conduct or fails to perform adequately. It also occurs when the caseload within a district declines or when the United States Trustee determines that cases could be more efficiently administered by other trustees or by fewer trustees. Trustees are rarely, if ever, surprised by such a decision. Trustees receive regular reviews and are in regular contact with Program employees regarding problems

or other issues arising out of their administration of cases. In addition, the Program has long had a policy of allowing trustees an opportunity to ask the Director of the Executive Office of United States Trustees to determine the propriety of a suspension or termination.

This rule will formalize those procedures. Under the rule, a trustee will receive written notice from a United States Trustee when a suspension or termination occurs; it shall set forth reasons why that action is occurring and will refer to or be accompanied by copies of relevant documentation. The United States Trustee's decision will be final and unreviewable unless the trustee asks the Director to review the suspension or termination. If the trustee seeks such a review, the trustee will be able to provide written submissions to a reviewing official within the organization, who will be a person who was not involved in the United States Trustee's decision. After the reviewing official makes a report and recommendation, the Director will determine whether the United States Trustee's decision is supported by the record and the action is an appropriate exercise of the United States Trustee's discretion. The Director's decision will constitute final agency action. If a trustee is dissatisfied with the final agency action, the trustee may then seek judicial review under the relevant provisions of the Administrative Procedure Act in a United States district court. Judicial review may be sought only after the trustee exhausts these remedies.

When published in final form, this rule will facilitate the Program's fulfillment of its statutory duty to appoint trustees and supervise their administration of bankruptcy cases. Although trustees have no constitutional or statutory right to continue receiving bankruptcy cases in the future, *see Joelson v. United States*, 86 F.3d 1413 (6th Cir. 1996) (holding that trustees have no statutory or constitutionally protected interest in their positions as trustees); *Richman v. Straley*, 48 F.3d 1139, 1143 (10th Cir. 1995) (trustees have no constitutional right to continue acting as trustees); *Shaltry v. United States*, 182 B.R. 836, 842 (D. Ariz.) (same), *aff'd*, 1995 WL 866862 (9th Cir. 1995), the proposed rule will ensure that trustees are apprised of the bases for suspension or termination of case assignments and will provide trustees with a mechanism to obtain further agency review of the appropriateness of the suspension or termination.