

21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France AS 332C,L, and L1 helicopters of the same type design registered in the United States, the proposed AD would require replacing main rotor blades with modified main rotor blades. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 3 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per helicopter to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts will be provided at no cost by the manufacturer. Based on these figures the total cost impact of the proposed AD on U.S. operators is estimated to be \$1200 per helicopter.

The regulations proposed herein would not have substantial direct effects 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. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this 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) if promulgated, 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. A copy of the draft regulatory evaluation prepared for this action is contained in the Rule Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (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. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

**Eurocopter France:** Docket No. 97-SW-36-AD.

**Applicability:** Model AS 332C, L, and L1 helicopters, with main rotor blades, part number (P/N) 332A11-030-03 or 332A11-030-04, installed, certificated in any category.

**Note 1:** This AD applies to each helicopter identified in the preceding applicable provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent loss of the de-icing capabilities of the main rotor blades, adverse performance during flight in icing conditions, and subsequent loss of control of the helicopter, accomplish the following:

(a) From available helicopter records, within the next 10 calendar days, determine the time-in-service (TIS) on each main rotor blade.

(b) Replace each main rotor blade with a main rotor blade that has been modified and reidentified in accordance with Eurocopter Technical Instruction Number (No.) 230b (referenced in Telex Service No. 10002, dated January 17, 1994) in accordance with the following schedule:

(1) If the TIS is equal to or greater than 2,000 hours, replace within the next 50 hours TIS.

(2) If the TIS is equal to or greater than 1,850 hours and less than 2,000 hours,

replace on or before attaining 2,050 hours TIS.

(3) If the TIS is equal to or greater than 1,500 hours and less than 1,850 hours, replace within the next 200 hours TIS.

(4) If the TIS is equal to or greater than 1,400 hours and less than 1,500 hours, replace on or before attaining 1,700 hours TIS.

(5) If the TIS is greater than 700 hours and less than 1,400 hours, replace within the next 300 hours TIS.

(6) If the TIS is equal to or less than 700 hours, replace within the next 1,000 hours TIS.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

**Note 3:** The subject of this AD is addressed in DGAC (France) AD 95-029-054(B), dated February 1, 1995.

Issued in Fort Worth, Texas, on April 29, 1998.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 98-12112 Filed 5-6-98; 8:45 am]

BILLING CODE 4910-13-M

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

### 29 CFR Part 2700

### Rules of Procedure

**AGENCY:** Federal Mine Safety and Health Review Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Federal Mine Safety and Health Review Commission (the "Commission") is an independent adjudicatory agency that provides trial and appellate review of cases arising under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. 801 *et seq.* (1994) (the "Mine Act"). The Commission's rules of procedure govern practice and procedure in Commission proceedings at both trial and review levels. The Commission is proposing to revise several of its present rules of procedure.

The Commission's present rules of procedure were adopted in June 1979

(see 44 FR 38227 (June 29, 1979)), and last amended in May 1993 (see 58 FR 12158 (March 3, 1993)). The Commission has determined that certain procedural rules require further revision to address various problems that were unforeseen in 1993, in a further effort to ensure "the just, speedy, and inexpensive determination of all proceedings" before the Commission (29 CFR 2700.1(c)).

**DATES:** Written comments must be submitted on or before August 5, 1998.

**ADDRESSES:** Comments may be mailed to Norman Gleichman, General Counsel, Office of the General Counsel, Federal Mine Safety and Health Review Commission, 1730 K Street, NW, 6th Floor, Washington, DC 20006. Persons submitting comments shall provide an original and three copies of their comments.

**FOR FURTHER INFORMATION CONTACT:** Norman M. Gleichman, General Counsel, Office of the General Counsel, 1730 K Street, NW, 6th Floor, Washington, DC 20006, telephone 202-653-5610 (202-566-2673 for TDD Relay). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Commission initially adopted rules of procedure to practice before it in June 1979. See 44 FR 38227 (June 29, 1979). The rules were revised only minimally until March 1993. In March 1993, the Commission published the revised procedural rules, which became effective on May 3, 1993. See 58 FR 12158 (March 3, 1993). Those rules embodied significant changes brought about by a reexamination of the rules in light of more than ten years' practical experience with their operation and evolving Commission case law.

Since March 1993, the Commission has become aware of several rules that require further revision, clarification, or expansion. These revisions were the subject of consideration by the Commission's administrative law judges, who preside at hearings at the trial level, and Commissioners at the review level.

In the proposed rules, the Commission has revised requirements related to motion practice before the Commission. See proposed §§ 2700.9, 2700.10, 2700.70(d), 2700.75(d) and (f). For example, in order to increase efficiency in the Commission's disposition of procedural motions, the Commission proposes requiring a moving party to confer or make reasonable efforts to confer with other parties in a proceeding and to state in the motion whether any party does or

does not oppose the motion. See proposed § 2700.10. In addition, the Commission proposes changing the deadline for filing requests for extensions of time and allowing such motions and oppositions to those motions to be filed and served by facsimile transmission. See proposed §§ 2700.5(d), 2700.7, 2700.9, 2700.75(d). The Commission also proposes instituting a deadline for filing motions requesting extensions of page limits. See proposed §§ 2700.70(d), 2700.75(f).

Furthermore, the Commission proposes expanding the requirements for certain pleadings. For instance, under the proposed rules, the Commission would require page numbering for all pleadings. See proposed § 2700.5(c). The Commission would also institute a page limit for petitions for discretionary review. See proposed § 2700.70(d).

In addition, the Commission proposes to revise and clarify procedures for filing pleadings in temporary reinstatement proceedings. The proposed revisions include the addition of a captioning requirement for petitions for review of temporary reinstatement orders and modifications to the requirements regarding the manner and date of filing pleadings. See proposed §§ 2700.5(d), 2700.7, 2700.45(a) and (f). The Commission proposes to clarify the pleadings on which it will base its ruling and the standard for granting a motion to stay the effect of a temporary reinstatement order. See proposed § 2700.45(f).

Because the proposed changes do not constitute a major revision to the Commission's procedural rules, the Commission has not proposed revising § 2700.84, which provides in pertinent part that the procedural rules in part 2700 are effective on May 3, 1993. Notice of the effective date of the amended rules will be published in the **Federal Register** when the rules are published as final rules.

Although these rules are procedural in nature and do not require notice and comment publication under the Administrative Procedure Act (see 5 U.S.C. 553(b)(3)(A)), the Commission is inviting and will consider public comment before adopting in final form any revisions to the existing rules. Comments may be mailed to the Commission's General Counsel at the address previously stated. It is requested that comments be filed no later than August 5, 1998. A section-by-section explanation of the proposed changes is set forth below.

**II. Section-by-Section Analysis**

*General Provisions*

*Section 2700.5 General requirements for pleadings and other documents; status or informational requests.*

In order to eliminate unnecessary confusion, paragraph (c) adds the requirement that all documents include page numbers. In addition, consistent with proposed revisions to §§ 2700.9 and 2700.45(f), paragraph (d) adds the provision that the filing of a motion for an extension of time and a petition for review of a temporary reinstatement order is effective upon receipt rather than upon mailing.

*Section 2700.7 Service.*

Consistent with the proposed changes to §§ 2700.9 and 2700.45(f), paragraph (c) has been revised to specify the circumstances under which requests for extensions of time and petitions for review of temporary reinstatement orders may be served by facsimile transmission. In addition, paragraph (c) has been revised to clarify that service by mail is effective upon mailing for all types of mail, including first class, express, or registered or certified mail, return receipt requested.

*Section 2700.9 Extensions of time.*

As currently written, § 2700.9 requires that a request for an extension of time be filed before the expiration of the time allowed for filing or serving of the document. The Commission occasionally receives a request for an extension of time on or shortly before the due date for filing or serving of the document. In such instances, the Commission must dispose of the motion prior to the expiration of the time for a response to the motion. The Commission proposes to amend the rule to require that a motion for an extension of time be filed no later than three days prior to the expiration of the time allowed for the filing or serving of the document, and to allow the motion and any opposition of the motion to be filed and served by facsimile transmission. In addition, in accordance with the proposed revisions to § 2700.10, the moving party must confer or make reasonable efforts to confer with other parties and shall state in the motion for a time extension, whether any other party opposes or does not oppose the motion. Finally, in accordance with the proposed revisions to § 2700.10, the Commission may decide that circumstances warrant ruling on the motion prior to the expiration of the time for a response.

Paragraph (b) adds a provision allowing the Commission to grant a

motion for an extension of time in exigent circumstances, even though the request was filed late. In such circumstances, the moving party must show, in writing, the reasons for the party's failure to timely file the request.

#### *Section 2700.10 Motions.*

Currently, § 2700.10 does not require that a moving party confer with parties to ascertain whether there is opposition to the motion, or to inform the Commission of any opposition or lack of opposition. As a result, before the Commission disposes of a procedural motion, it must wait for the expiration of the time period for filing a statement in opposition. For some motions requiring prompt or immediate disposition, the Commission must contact other parties or, if such parties are unavailable, dispose of the motion without a response. In order to more efficiently and fairly dispose of such motions, the Commission proposes to amend the rule to require a moving party, prior to filing a procedural motion, to confer or make reasonable efforts to confer with the other parties and to state in the motion if any other party opposes or does not oppose the motion. In addition, the Commission would add the provision that, where circumstances warrant, a motion may be ruled upon prior to the expiration of the time for response, and that a party adversely affected by the ruling may seek reconsideration.

#### *Complaints of Discharge, Discrimination or Interference*

#### *Section 2700.45 Temporary reinstatement proceedings.*

As currently written, § 2700.45(f) does not differentiate between petitions for review filed pursuant to § 2700.70 and petitions for review of judges' temporary reinstatement decisions. The two types of appeals are, however, procedurally distinct. To highlight this distinction, the Commission proposes to amend the rule to require that petitions filed under § 2700.45(f) be captioned "Petition for Review of Temporary Reinstatement Order."

Under section 105(c)(2) of the Mine Act, the Commission is directed to expedite temporary reinstatement proceedings. 30 U.S.C. 815(c)(2). In furtherance of this directive, the Commission proposes to amend § 2700.45(f) as follows: (1) To allow any pleadings in a temporary reinstatement proceeding to be filed and served by facsimile transmission; (2) to provide that the filing of a petition for review of a temporary reinstatement order is effective upon receipt; (3) to require that any response to a petition must be filed

within 5 days following service of the petition, rather than 5 days following receipt of the petition, as the rule currently provides; and (4) to clarify that the Commission's ruling on a petition shall be based on the petition and any response, and that any further briefing will be entertained only at the express direction of the Commission. Proposed § 2700.45(f) also clarifies that the petition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the petition. The proposed revision allowing pleadings filed under § 2700.45(f) to be served by facsimile transmission is also reflected in proposed § 2700.45(a).

Current § 2700.8, which the Commission does not propose to revise, applies to proposed § 2700.45(f), as well as other sections. Accordingly, if a petition for review of a temporary reinstatement order is served by mail, under current § 2700.8, 5 days would be added to the time allowed by proposed § 2700.45(f) for the filing of any response to the petition.

Presently, a petition for review under § 2700.45(f) does not stay the effect of a judge's temporary reinstatement order. Although operators have moved to stay the effect of the order when filing a petition, in *Secretary of Labor on behalf of Bowling v. Perry Transport, Inc.*, 15 FMSHRC 196 (February 1993), the Commission, in denying such a motion, stated that "[a]bsent some extraordinary circumstance, yet to be advanced, the granting of such a motion would eviscerate the temporary reinstatement provision of the Mine Act." *Id.* at 198. The Commission proposes to codify this holding of *Perry Transport* by explicitly providing in § 2700.45(f) that the Commission will grant a motion to stay the effect of a temporary reinstatement order only under extraordinary circumstances.

#### *Review by the Commission*

#### *Section 2700.70 Petitions for discretionary review.*

Paragraph (a) has been revised to clarify that procedures governing petitions for review of temporary reinstatement orders may be found in proposed § 2700.45(f). In addition, paragraph (d) adds a 35-page limit for petitions for discretionary review. Under the present rule, there is no page number limitation for petitions for discretionary review. In order to promote brevity and concision in pleading, the Commission would set a page limit for petitions for discretionary review identical to the page limit for a petitioner's opening brief. Consistent with proposed changes to § 2700.75, the

Commission also proposes revising § 2700.70(d) to institute a deadline for filing a motion requesting an extension of the 35-page limit, and to provide that an extension in page limit will be permitted by the Commission for good cause shown.

#### *Section 2700.75 Briefs.*

Under the present rule, a motion for an extension of time to file a brief must be filed within the time limit prescribed for filing the brief. The Commission would revise § 2700.75 to require that such motions comply with the proposed revisions to § 2700.9. See proposed § 2700.75(d).

In addition, the Commission would revise § 2700.75 to institute a deadline for filing a motion requesting an extension of page limit for a brief. See proposed § 2700.75(f). The Commission often receives a motion requesting an extension of page limit and an attached brief that exceeds the page limit on, or shortly before, the date that the brief is due to be filed. In such instances, the Commission must contact other parties to determine whether the motion is opposed or, if such parties are unavailable, dispose of the motion without a response. If the Commission were to deny the motion, the filing party would have little time, if any, to file another brief that conforms to the page limit. In order to avoid this harsh result, the Commission on occasion has been effectively denied an opportunity to give full consideration to whether a page extension is necessary and, if so, the amount that the limit should be exceeded. Therefore, the Commission proposes to amend the rule by requiring that a motion requesting an extension of page limit: (1) Be filed not less than 10 days prior to the date that the brief is due to be filed; (2) state the approximate length of the extension required; and (3) comply with the requirements of proposed section 2700.10, including the requirement that a motion state whether any other party opposes or does not oppose the motion. Finally, the Commission would revise § 2700.75(c) to specify that an extension in page limit will be permitted by the Commission for good cause shown.

#### *Section 2700.76 Interlocutory review.*

Paragraph (a) has been revised to clarify that procedures governing petitions for review of temporary reinstatement orders may be found in proposed § 2700.45(f).

#### **Matters of Regulatory Procedure**

The Commission has determined that these rules are not subject to Office of

Management and Budget Review under Executive Order 12866.

The Commission has determined under the Regulatory Flexibility Act (5 U.S.C. 601–612) that these rules, if adopted, would not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Statement and Analysis has not been prepared.

The Commission has determined that the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because these rules do not contain any information collection requirements that require the approval of the Office of Management and Budget.

#### List of Subjects in 29 CFR Part 2700

Administrative practice and procedure, Ex parte communications, Lawyers, Penalties.

For the reasons set out in the preamble, it is proposed to amend 29 CFR part 2700 as follows:

#### PART 2700—PROCEDURAL RULES

1. The authority citation for part 2700 continues to read as follows:

**Authority:** 30 U.S.C. 815 and 823.

2. Section 2700.5 is amended by revising paragraphs (c) and (d) to read as follows:

##### § 2700.5 General requirements for pleadings and other documents; status or informational requests.

\* \* \* \* \*

(c) *Necessary information.* All documents shall be legible and shall clearly identify on the cover page the filing party by name. All documents shall be dated and shall include the assigned docket number, page numbers, and the filing person's address and telephone number. Written notice of any change in address or telephone number shall be given promptly to the Commission or the Judge and all other parties.

(d) *Manner and date of filing.* A notice of contest of a citation or order, a petition for assessment of penalty, a complaint for compensation, a complaint of discharge, discrimination or interference, an application for temporary reinstatement, and an application for temporary relief shall be filed by personal delivery, including courier service, or by registered or certified mail, return receipt requested. All subsequent documents that are filed with a Judge or the Commission may be filed by first class mail, including express mail, or by personal delivery. When filing is by personal delivery, filing is effective upon receipt. When filing is by mail, filing is effective upon

mailing, except that the filing of a petition for discretionary review, a petition for review of a temporary reinstatement order, and a motion for extension of time is effective upon receipt. See §§ 2700.9, 2700.45(f), and 2700.70. Filing by facsimile transmission is permissible only when specifically permitted by these rules (see §§ 2700.9, 2700.45(f), 2700.52 and 2700.70), or when otherwise allowed by a Judge or the Commission. Filing by facsimile transmission is effective upon receipt.

\* \* \* \* \*

3. Section 2700.7 is amended by revising paragraph (c) to read as follows:

##### § 2700.7 Service.

\* \* \* \* \*

(c) *Methods of service.* A notice of contest of a citation or order, a proposed penalty assessment, a petition for assessment of penalty, a complaint for compensation, a complaint of discharge, discrimination or interference, an application for temporary reinstatement, and an application for temporary relief shall be served by personal delivery, including courier service, or by registered or certified mail, return receipt requested. All subsequent papers may be served by personal delivery or by first class mail, including express mail service, except as specified in §§ 2700.9 and 2700.45 (extensions of time and temporary reinstatement proceedings). Service by mail, including first class, express, or registered or certified mail, return receipt requested, is effective upon mailing. Service by personal delivery is effective upon receipt. When filing by facsimile transmission (see § 2700.5(d)), the filing party must also serve by facsimile transmission or by a means as expeditious as facsimile. Service by facsimile transmission is effective upon receipt.

\* \* \* \* \*

4. Section 2700.9 is revised to read as follows:

##### § 2700.9 Extensions of time.

(a) The time for filing or serving any document may be extended for good cause shown. Filing of a motion requesting an extension of time, including a facsimile transmission, is effective upon receipt. A motion requesting an extension of time shall be received no later than 3 days prior to the expiration of the time allowed for the filing or serving of the document, and shall comply with § 2700.10. The motion shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the motion. A motion requesting an

extension of time and a statement in opposition to such a motion may be filed and served by facsimile.

(b) In exigent circumstances, an extension of time may be granted even though the request was filed after the designated time for filing has expired. In such circumstances, the party requesting the extension must show, in writing, the reasons for the party's failure to make the request before the time prescribed for the filing had expired.

5. Section 2700.10 is amended by redesignating paragraph (c) as (d), revising newly redesignated paragraph (d) and by adding a new paragraph (c) to read as follows:

##### § 2700.10 Motions.

\* \* \* \* \*

(c) Prior to filing a procedural motion, the moving party shall confer or make reasonable efforts to confer with the other parties and shall state in the motion if any other party opposes or does not oppose the motion.

(d) A statement in opposition to a written motion may be filed by any party within 10 days after service upon the party. Unless otherwise ordered, oral argument on motions will not be heard. Where circumstances warrant, a motion may be ruled upon prior to the expiration of the time for response; a party adversely affected by the ruling may seek reconsideration.

6. Section 2700.45 is amended by revising paragraphs (a) and (f) to read as follows:

##### § 2700.45 Temporary reinstatement proceedings.

(a) *Service of pleadings.* A copy of each document filed with the Commission in a temporary reinstatement proceeding shall be served on all parties by personal delivery, including courier service, by certified or registered mail, return receipt requested or, as specified in paragraph (f) of this section, by facsimile transmission.

\* \* \* \* \*

(f) *Review of order.* Review by the Commission of a Judge's written order granting or denying an application for temporary reinstatement may be sought by filing with the Commission a petition, which shall be captioned "Petition for Review of Temporary Reinstatement Order," with supporting arguments, within 5 days following receipt of the Judge's written order. The filing of any such petition is effective upon receipt. The petition shall include proof of service on all parties by a means of delivery no less expeditious than that used for filing the petition.

The filing and service of any pleadings under this rule may be made by facsimile transmission. The filing of a petition shall not stay the effect of the Judge's order unless the Commission so directs; a motion for such a stay will be granted only under extraordinary circumstances. Any response shall be filed within 5 days following service of a petition. The Commission's ruling on a petition shall be made on the basis of the petition and any response (any further briefs will be entertained only at the express direction of the Commission), and shall be rendered within 10 days following receipt of any response or the expiration of the period for filing such response. In extraordinary circumstances, the Commission's time for decision may be extended.

\* \* \* \* \*

7. Section 2700.70 is amended by revising paragraphs (a) and (d) to read as follows:

**§ 2700.70 Petitions for discretionary review.**

(a) *Procedure.* Any person adversely affected or aggrieved by a Judge's decision or order may file with the Commission a petition for discretionary review within 30 days after issuance of the decision or order. Filing of a petition for discretionary review, including a facsimile transmission, is effective upon receipt. Two or more parties may join in the same petition; the Commission may consolidate related petitions. Procedures governing petitions for review of temporary reinstatement orders are found at § 2700.45(f).

\* \* \* \* \*

(d) *Requirements.* Each issue shall be separately numbered and plainly and concisely stated, and shall be supported by detailed citations to the record, when assignments of error are based on the record, and by statutes, regulations, or other principal authorities relied upon. Except by permission of the Commission and for good cause shown, petitions for discretionary review shall not exceed 35 pages. A motion requesting an extension of the page limit shall be filed not less than 10 days prior to the date the petition for discretionary review is due to be filed, shall state the approximate length of the extension required, and shall comply with § 2700.10. Except for good cause shown, no assignment of error by any party shall rely on any question of fact or law upon which the Judge had not been afforded an opportunity to pass.

\* \* \* \* \*

8. Section 2700.75 is amended by revising paragraphs (c) and (d), by

redesignating paragraph (f) as (g), and by adding a new paragraph (f) to read as follows:

**§ 2700.75 Briefs.**

\* \* \* \* \*

(c) *Length of brief.* Except by permission of the Commission and for good cause shown, opening briefs shall not exceed 35 pages, response briefs shall not exceed 25 pages, and reply briefs shall not exceed 15 pages. A brief of an amicus curiae shall not exceed 25 pages. A brief of an intervenor shall not exceed the page limitation applicable to the party whose position it supports in affirming or reversing the Judge, or if a different position is taken, such brief shall not exceed 25 pages. Tables of contents or authorities shall not be counted against the length of a brief.

(d) *Motion for extension of time.* A motion for an extension of time to file a brief shall comply with § 2700.9. The Commission may decline to accept a brief that is not timely filed.

\* \* \* \* \*

(f) *Motion for extension of page limit.* A motion requesting an extension of the page limit for a brief shall be filed not less than 10 days prior to the date the brief is due to be filed, shall state the approximate length of the extension required, and shall comply with § 2700.10.

\* \* \* \* \*

9. Section 2700.76 is amended by revising paragraph (a) to read as follows:

**§ 2700.76 Interlocutory review.**

(a) *Procedure.* Interlocutory review by the Commission shall not be a matter of right but of the sound discretion of the Commission. Procedures governing petitions for review of temporary reinstatement orders are found at § 2700.45(f).

\* \* \* \* \*

**Mary Lu Jordan,**

*Chairman, Federal Mine Safety and Health Review Commission.*

[FR Doc. 98-12157 Filed 5-6-98; 8:45 am]

BILLING CODE 6735-01-P

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### 30 CFR Parts 218, 250, and 256

RIN 1010-AC32

#### Postlease Operations Safety

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Extension of comment period for proposed rule.

**SUMMARY:** This notice extends to July 17, 1998, the deadline for submitting comments on the proposed rule on Postlease Operations Safety.

**DATES:** We will consider all comments received by July 17, 1998, and we may not fully consider comments received after July 17, 1998.

**ADDRESSES:** Mail or hand-carry written comments (three copies) to the Department of the Interior; Minerals Management Service; 381 Elden Street; Mail Stop 4024; Herndon, Virginia 20170-4817; Attention: Rules Processing Team.

**FOR FURTHER INFORMATION CONTACT:** Kumkum Ray, Engineering and Operations Division, at (703) 787-1600.

**SUPPLEMENTARY INFORMATION:** MMS was asked to extend the deadline for submitting comments on the proposed Postlease Operations Safety rule published on February 13, 1998 (63 FR 7335) and the correction to the proposed rule published on March 9, 1998 (63 FR 11385). The request explains that the proposed rule has a number of important changes that require careful consideration for comprehensive comments. Because the proposed rule was rewritten in "plain English" and sections, paragraphs, and sentences do not have the same order and numbering sequence as the current regulations in 30 CFR part 250, subpart A, additional time was requested to sort out the proposed rule for comparison.

Dated: May 1, 1998.

**E. P. Danenberger,**

*Chief, Engineering and Operations Division.*  
[FR Doc. 98-12057 Filed 5-6-98; 8:45 am]

BILLING CODE 4310-MR-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD07-98-024]

RIN 2115-AE46

#### Special Local Regulations; Deerfield Beach, FL

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is proposing to establish permanent special local regulations for the Annual Deerfield Beach Super Boat Grand Prix powerboat race. This event will be held annually offshore Deerfield Beach on the third Sunday of July, between 12:30 p.m. and 4 p.m. Eastern Daylight Time (EDT). These regulations are necessary to