

the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office (ACO), 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

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

(e) All persons affected by this directive may obtain copies of the document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on August 10, 1995.

**Gerald W. Pierce,**

*Acting Manager, Small Airplane, Aircraft Certification Service.*

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## FEDERAL TRADE COMMISSION

### 16 CFR Part 3

#### Duration of Existing Competition and Consumer Protection Orders

**AGENCY:** Federal Trade Commission (FTC).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Commission proposes a rule ("Sunset Rule") that would terminate existing administrative orders where certain conditions have been met, consistent with Commission policy announced elsewhere in today's **Federal Register**. Currently, the Commission may set aside the provisions of such orders upon petition of the respondent, or pursuant to show cause proceedings initiated *sua sponte* by the Commission. The proposed rule will reduce the administrative expense and burden associated with those procedures by automatically vacating certain order provisions that no longer serve the public interest.

**DATES:** Written comments must be submitted on or before September 15, 1995.

**ADDRESSES:** Written comments should be submitted in twenty copies to Donald S. Clark, Secretary, Federal Trade Commission, Room 159, Sixth Street &

Pennsylvania Avenue NW., Washington, D.C. 20580, (202) 326-2514. Individuals filing comments need not submit multiple copies. Submissions should be captioned: Sunset Rule, FTC File No. P954211.

**FOR FURTHER INFORMATION CONTACT:** Justin Dingfelder, Assistant Director for Enforcement, Division of Enforcement, Bureau of Consumer Protection, (202) 326-3017; Roberta Baruch, Deputy Assistant Director for Compliance, Bureau of Competition, (202) 326-2861.

**SUPPLEMENTARY INFORMATION:** Elsewhere in today's **Federal Register** notice, the Commission is publishing a Policy Statement Regarding the Duration of Competition and Consumer Protection Orders. As explained in that notice, the Commission proposes a rule, rather than case-by-case determinations, to implement that policy with respect to existing administrative orders.

The Commission is soliciting comments on the proposed rule. The rule would provide that, in general, all provisions of existing administrative orders would automatically terminate ("sunset") 20 years from the date that the order was issued.<sup>1</sup> The rule would establish an exception, however, where a federal court complaint alleging a violation of an existing order was filed (with or without an accompanying consent decree) within the last 20 years, or where such a complaint is subsequently filed with respect to an existing order that has not yet expired. In that event, the order would run for another 20 years from the date that the most recent complaint was filed with the court, unless the complaint has been dismissed, or the court has ruled that the respondent did not violate any provision of the order, and the dismissal or ruling has not been appealed (or has been upheld on appeal). The Commission's order would remain in effect while the court complaint and any appeal are pending.

The filing of a court complaint would not affect the duration of an order's application to any respondent that is not named as a defendant in the complaint. The Commission, however, may consider whether a complaint alleging order violations has ever been filed against a respondent, and any other

<sup>1</sup> Orders that are 20 years or older would sunset 30 days after publication of the final rule. Certain provisions in existing administrative orders will expire, or have already expired, according to their own terms, and the proposed rule would not affect the duration of those provisions. The rule would also not revive any order provision that the Commission has previously reopened and set aside. See 16 CFR §§ 2.51 & 3.72. The rule would not apply to *in camera* orders or other procedural or interlocutory rulings by an Administrative Law Judge or the Commission.

relevant circumstances, in determining whether to grant or deny a subsequent petition by a respondent to reopen and set aside an order on the basis of changes in law, fact, or the public interest. See Commission Rule 2.51, 16 CFR 2.51.

#### Communication by Outside Parties to Commissioners or Their Advisors

Pursuant to Commission Rule 1.26(b)(5), 16 CFR § 1.26(b)(5), communications with respect to the merits of this proceeding from any outside party to any Commissioner or Commissioner advisor during the course of this rulemaking will be subject to the following treatment. Written communications, including written communications from members of Congress, will be forwarded promptly to the Secretary for placement on the public record. Oral communications, not including communications from members of Congress, are permitted only when such oral communications are transcribed verbatim or summarized (at the discretion of the Commissioner or Commissioner advisor to whom such oral communications are made) and are promptly placed on the public record, together with any written communications and summaries of any oral communications relating to such oral communications. Oral communications from members of Congress will be transcribed or summarized (at the discretion of the Commissioner or Commissioner advisor to whom such oral communications are made) and promptly placed on the public record, together with any written communications and summaries of any oral communications relating to such oral communications.

#### Regulatory Flexibility Act

On the basis of information currently available to the Commission, it is anticipated that the proposed rule will result in the elimination of a substantial number of existing orders that no longer serve the public interest. Accordingly, the Commission has determined at this time that the Regulatory Flexibility Act does not require an initial or final regulatory flexibility analysis, because the proposed rule would not have significant impact on a substantial number of small entities within the meaning of the Act. 5 U.S.C. 605. This notice serves as certification to that effect for purposes of the Small Business Administration.

Nonetheless, to ensure that no substantial economic impact is overlooked, the Commission requests public comment on the effect of the proposed rule on costs, profitability,

competitiveness, and employment in small entities. Whether preparation of a final regulatory analysis is warranted will be determined after receipt and review of such comments, if any.

**Effective Date**

The Commission will announce an effective date for the rule upon publication of the rule in final form. Petitions to stay, in whole or in part, the termination of an order pursuant to the rule shall be filed pursuant to Commission Rule 2.51, 16 CFR § 2.51. In the case of orders that have been in effect for at least 20 years, the rule would provide respondents with 30 days to the file such a petition before the order is automatically terminated by the rule. Pending the disposition of such a petition, the order would be deemed to remain in effect without interruption.

**List of Subjects in 16 CFR Part 3**

Administrative practice and procedure, Claims, Equal access to justice, Lawyers.

Accordingly, the Federal Trade Commission proposes to amend Title 16, Chapter I, Subchapter A, of the Code of Federal Regulations as follows:

**PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS**

1. The authority for Part 3 would continue to read as follows:

**Authority:** Sec. 6, 38 Stat. 721 (15 U.S.C. 46), unless otherwise noted.

2. Section 3.72 would be amended by adding a new paragraph 3.72(b)(3) to read as follows:

**§ 3.72 Reopening.**

\* \* \* \* \*

(b) \* \* \*

(3) *Termination of existing orders.* (i) *Generally.* Notwithstanding the foregoing provisions of this rule, and except as provided in paragraphs (b)(3)(ii) and (iii) of this section, an order issued by the Commission before August 16, 1995, will be deemed, without further notice or proceedings, to terminate 20 years from the date on which the order was first issued, or on [30 days following publication of the final rule in the **Federal Register**], whichever is later.

(ii) *Exception.* This paragraph applies to the termination of an order issued before August 16, 1995, where a complaint alleging a violation of the order was or is filed (with or without an accompanying consent decree) in federal court by the United States or the Federal Trade Commission while the order remains in force, either on or after August 16, 1995, or within the 20 years

preceding that date. If more than one complaint was or is filed while the order remains in force, the relevant complaint for purposes of this paragraph will be the latest filed complaint. An order subject to this paragraph will terminate 20 years from the date on which a court complaint described in this paragraph was or is filed, except as provided in the following sentence. If the complaint was or is dismissed, or a federal court rules or has ruled that the respondent did not violate any provision of the order, and the dismissal or ruling was or is not appealed, or was or is upheld on appeal, the order will terminate according to paragraph (b)(3)(i) of this section is though the complaint was never filed; provided, however, that the order will not terminate between the date that such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal. The filing of a complaint described in this paragraph will not affect the duration of any order provision that has expired, or will expire, by its own terms. The filing of a complaint described in this paragraph also will not affect the duration of an order's application to any respondent that is not named in the complaint.

(iii) *Stay of Termination.* Any party to an order may seek to stay, in whole or part, the termination of the order as to that party pursuant to paragraph (b)(3)(i) or (ii) of this section. Petitions for such stays shall be filed in accordance with the procedures set forth in § 2.51 of these rules. Such petitions shall be filed on or before the date on which the order would be terminated pursuant to paragraph (b)(3)(i) or (ii) of this section. Pending the disposition of such a petition, the order will be deemed to remain in effect without interruption.

(iv) *Orders not terminated.* Nothing in § 3.72(b)(3) is intended to apply to *in camera* orders or other procedural or interlocutory rulings by an Administrative Law Judge or the Commission.

By direction of the Commission.

**Donald S. Clark,**

*Secretary.*

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**RAILROAD RETIREMENT BOARD**

**20 CFR Part 230**

RIN 3220-AA61

**Reduction and Non-Payment of Annuities by Reason of Work**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to revise Part 230 of its regulations to explain how employment or self-employment after an annuitant's annuity beginning date may cause a reduction in or non-payment of the annuity.

**DATES:** Comments must be received by September 15, 1995.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

**FOR FURTHER INFORMATION CONTACT:** Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4513, TDD (313) 754-4701.

**SUPPLEMENTARY INFORMATION:** Sections 2(f) and 2(g)(2) of the Railroad Retirement Act (45 U.S.C. 231a (f) and (g)(2)) provide for a reduction in or non-payment of an annuity if post-retirement earnings exceed the limits set forth in section 203 of the Social Security Act (45 U.S.C 403). Although these provisions were enacted as part of the Railroad Retirement Act of 1974 (Pub. L. 93-445, Title I, 88 Stat. 1312), the Board has never explained in its regulations how such provisions operate.

Sections 230.5 through 230.16 of these proposed regulations explain how the earnings limitations set forth in section 203 of the Social Security Act apply to a railroad retirement benefit. Specifically, these proposed sections explain how an individual attains an insured status so that the earnings limitations are applicable to his or her benefit, what portion of a railroad retirement benefit is subject to these earnings restrictions (the work deduction component), and how a railroad retirement benefit may be reduced or not paid because of post-retirement earnings.

Section 230.9 sets forth a revised interpretation of the work deduction component subject to deduction for excess earnings. The revised interpretation tracks explicitly the language of sections 2(f)(1) and 2(f)(2) of the Railroad Retirement Act. These sections provide that the work deduction component of the tier I benefit is the amount of that benefit attributable to post-1974 railroad service