

FDC date	State	City	Airport	FDC No.	SIAP
11/09/95 ...	DE	Wilmington .....	New Castle County .....	FDC 5/6146	Effective 7 Dec 95 at 0901 UTC. VOR Rwy 27 Amdt 3.
11/09/95 ...	DE	Wilmington .....	New Castle County .....	FDC 5/6147	Effective 7 Dec 95 at 0901 UTC. VOR or GPS Rwy 19 Amdt 4.
11/09/95 ...	DE	Wilmington .....	New Castle County .....	FDC 5/6148	Effective 7 Dec 95 at 0901 UTC. VOR or GPS Rwy 11 Amdt 3.
11/09/95 ...	NY	Albany .....	Albany County .....	FDC 5/6123	ILS Rwy 1 Amdt 8.
11/09/95 ...	OK	Ardmore .....	Ardmore Muni .....	FDC 5/6121	NDB or GPS Rwy 30, Amdt 4.
11/09/95 ...	OK	Ardmore .....	Ardmore Muni .....	FDC 5/6122	ILS Rwy 30, Amdt 3.
11/09/95 ...	WI	Racine .....	John H. Batten .....	FDC 5/6135	NDB Rwy 4, Amdt 3. Terminal route.
11/09/95 ...	WI	Racine .....	John H. Batten .....	FDC 5/6136	ILS Rwy 4, Amdt 4. Terminal route.
11/13/95 ...	AR	Little Rock .....	Adams Field .....	FDC 5/6201	ILS Rwy 4R, orig.
11/13/95 ...	AZ	Douglas Bisbee .....	Bisbee Douglas Intl .....	FDC 5/6191	VOR Rwy 17 Amdt 2.
11/13/95 ...	AZ	Douglas Bisbee .....	Bisbee Douglas Intl .....	FDC 5/6192	VOR/DME or GPS Rwy 17 Amdt 5.
11/13/95 ...	FL	Fort Lauderdale .....	Fort Lauderdale-Hollywood Intl .....	FDC 5/6190	VOR or GPS Rwy 27R, Amdt 10B.
11/13/95 ...	FL	West Palm Beach .....	Palm Beach .....	FDC 5/6193	RADAR-1, Amdt 9.
11/13/95 ...	IL	Freeport .....	Freeport Albertus .....	FDC 5/6185	VOR/DME RNAV or GPS Rwy 6, Amdt 5.
11/13/95 ...	LA	New Orleans .....	Lakefront .....	FDC 5/6195	ILS Rwy 18R, Amdt 11.
11/13/95 ...	LA	New Orleans .....	Lakefront .....	FDC 5/6196	VOR or GPS Rwy 36L, Amdt 6.
11/13/95 ...	LA	New Orleans .....	Lakefront .....	FDC 5/6197	VOR or GPS-B, Amdt 8.
11/13/95 ...	LA	New Orleans .....	Lakefront .....	FDC 5/6198	VOR or GPS Rwy 18R, Amdt 3.
11/13/95 ...	LA	New Orleans .....	Lakefront .....	FDC 5/6199	VOR or GPS-A, Amdt 16.
11/14/95 ...	SC	Greer .....	Greenville-Spartanburg .....	FDC 5/6217	IL Rwy 21, Amdt 2.

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**DEPARTMENT OF COMMERCE**

**Bureau of Export Administration**

**15 CFR Parts 776 and 799**

[Docket No. 951002244-5244-01]

RIN 0694-AB08

**Foreign Policy Controls: Specially Designed Implements of Torture**

**AGENCY:** Bureau of Export Administration, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Export Administration (BXA) is amending the Export Administration Regulations (EAR) by expanding foreign policy controls on specially designed implements of torture. Previously, such implements were controlled under ECCN 0A82C of the Commerce Control List, along with handcuffs, police

helmets and shields, as crime control and detection commodities. As such, they did not require a validated license for export to member countries of the North Atlantic Treaty Organization (NATO), Australia, Japan or New Zealand. This rule creates a new CCL entry requiring a validated license for export of specially designed implements of torture to all destinations, including Canada. Applications for such exports will continue to be subject to a general policy of denial.

**EFFECTIVE DATE:** This rule is effective November 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Joan Roberts, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 482-0171.

**SUPPLEMENTARY INFORMATION:**

**Background**

This rule expands controls on specially designed implements of torture, by moving them from Export

Commerce Control Number (ECCN) 0A82C to a new ECCN, 0A83D, and requiring a validated license to all destinations, including Canada. Such items will continue to be subject to a general policy of denial to all destinations. This policy is described in a new section, § 776.19, and § 776.14 has been revised to eliminate references to implements of torture.

Please note that the CCL entries controlled for reasons of Crime Control added in the revision of § 776.14 do not constitute an expansion of control. The additional entries merely extend the control to product groups (i.e., software, technology) within previously existing CCL categories. This completes a process begun in September 1991 by the issuance of the new Commerce Control List and its revised numbering and categorization schemes.

Although the Export Administration Act of 1979 (EAA) expired on August 20, 1994, the President invoked the International Emergency Economic Powers Act and determined that, to the extent permitted by law, the provisions

of the EAA, as amended, shall be carried out under Executive Order 12924 of August 19, 1994, and notice of August 15, 1995 (60 FR 42767), so as to continue in full force and effect and amend, as necessary, the export control system heretofore maintained by the Export Administration Regulations issued under the EAA. Under a policy of conforming actions under the Executive Order to those under the EAA, insofar as appropriate, the Department of Commerce notified the Congress of this expansion of foreign policy controls on November 20, 1995.

#### Rulemaking Requirements

1. This rule has been determined to be not significant for purposes of E. O. 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under Control Numbers 0694-0005, 0694-0007, and 0694-0010.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Hillary Hess, Office of Exporter Services, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 776 and 799

Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 776 and 799 of the Export Administration Regulations (15 CFR Parts 730-799) are amended as follows:

#### PART 776—[AMENDED]

1. The authority citation for 15 CFR Part 776 continues to read as follows:

Authority: Pub. L. 264, 59 Stat. 619 (22 U.S.C. 287c), as amended; Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; Pub. L. 102-484, 106 Stat. 2575 (22 U.S.C. 6004); sec. 125, Pub. L. 99-64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O. 12918 of May 26, 1994 (59 FR 28205, May 31, 1994); E.O. 12924 of August 19, 1994 (59 FR 43437, August 23, 1994); E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994); and Notice of August 15, 1995 (60 FR 42767).

#### PART 799—[AMENDED]

2. The authority citation for 15 CFR Part 799 continues to read as follows:

Authority: 50 U.S.C. App. 5, as amended; Pub. L. 264, 59 Stat. 619 (22 U.S.C. 287c), as amended; Pub. L. 90-351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93-153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94-163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94-258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95-223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95-242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95-372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; Pub. L. 102-484, 106 Stat. 2575 (22 U.S.C. 6004); sec. 125, Pub. L. 99-64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12867 of September 30, 1993 (58 FR 51747, October 4, 1993); E.O. 12918 of May 26, 1994 (59 FR 28205, May 31, 1994); E.O. 12924 of August 19, 1994 (59 FR 43437, August 23, 1994); E.O. 12938 of November 14, 1994 (59 FR 59099 of November 16, 1994); and Notice of August 15, 1995 (60 FR 42767).

3. Section 776.14 is amended by revising the section heading and by revising paragraph (a) to read as follows:

#### § 776.14 Crime control and detection items.

(a) *Export license requirements.*

Pursuant to section 6(n) of the Export Administration Act of 1979, an individual validated export license is required for foreign policy purposes to export crime control and detection instruments and equipment and related software and technology, except that authorized under General License GTDA (§ 779.3 of this subchapter) to any destination except Australia, Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Turkey or the United Kingdom. Items affected by this requirement are identified on the Commerce Control List under Export Control Classification Numbers (ECCNs) 1A84, 3A80, 3A81, 3D80, 3E80, 4A03 (fingerprint computers only), 4A80, 4D01 (software for the "development", "production", or "use" of fingerprint computers only), 4D80, 4E01 (technology for the "development", "production", or "use" of fingerprint computers only), 4E80, 6A02 (police-model infrared viewers only), 6E01 (technology for the "development" of police-model infrared viewers only), 6E02 (technology for the "production" of police-model infrared viewers only), 9A80, 0A82, 0A84 and 0E84. Applications for items controlled under this paragraph (a) will generally be considered favorably on a case-by-case basis unless there is evidence that the government of the importing country may have violated internationally recognized human rights and that the judicious use of export controls would be helpful in deterring the development of a consistent pattern of such violations or in distancing the United States from such violations.

\* \* \* \* \*

4. Section 776.19 is added to read as follows:

#### § 776.19 Implements of torture.

Pursuant to section 6 of the Export Administration Act of 1979, an individual validated export license is required to export specially designed implements of torture controlled by 0A83 to all destinations, including Canada. Applications for such licenses will generally be denied to all destinations.

*Supplement No. 1 to § 799.1 [Amended]*

5. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 10, Miscellaneous, ECCN 0A82C is revised to read as follows:

0A82C Saps; thumbcuffs, leg irons, shackles, and handcuffs; straight jackets, plastic handcuffs, police helmets and shields; and parts and accessories, n.e.s.

#### Requirements

##### *Validated License Required:*

QSTVWYZ, except NATO, Australia, New Zealand and Japan.

*Unit:* \$ Value.

*Reason for Control:* FP (see Notes).

*GLV:* \$0.

*GCT:* No.

*GFW:* No.

Notes: 1. FP controls for crime control (human rights) apply to items controlled by 0A82 (see § 776.14 of this subchapter).

2. These items are subject to the United Nations Security Council arms embargo against Rwanda described in § 785.4 (a) of this subchapter.

6. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 10, Miscellaneous, a new ECCN 0A83D is added to read as follows:

0A83D Thumbscrews and specially designed implements of torture; and parts and accessories, n.e.s.

#### Requirements

##### *Validated License Required:*

QSTVWYZ and Canada.

*Unit:* \$ Value.

*Reason for Control:* FP (see Note).

*GLV:* \$0.

*GCT:* No.

*GFW:* No.

Dated: November 21, 1995.

Sue E. Eckert,

*Assistant Secretary for Export Administration.*

[FR Doc. 95-28887 Filed 11-27-95; 8:45 am]

BILLING CODE 3510-DT-P

## FEDERAL TRADE COMMISSION

### 16 CFR Part 3

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

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

**ACTION:** Final rule.

**SUMMARY:** The Commission hereby issues a rule ("Sunset Rule") that terminates existing administrative orders when certain conditions have been met, consistent with the Commission's "Policy Statement Regarding Duration of Competition and Consumer Protection Orders" published in the Federal Register on August 16, 1995. Prior to the issuance of this rule, the Commission could only 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 rule reduces the administrative expense and burden associated with those procedures by automatically vacating certain order provisions that no longer serve the public interest.

**EFFECTIVE DATE:** January 2, 1996.

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

Justin Dingfelder, Assistant Director for Enforcement, Division of Enforcement, Bureau of Consumer Protection, FTC, (202) 326-3017; Roberta Baruch, Deputy Assistant Director for Compliance, Bureau of Competition, (202) 326-2861.

#### **SUPPLEMENTARY INFORMATION:**

On September 1, 1994, the Commission published a policy statement that sunsetted Commission competition orders under certain conditions.<sup>1</sup> The Commission requested comment on the policy and on whether a similar policy should be applied to consumer protection orders.

On August 16, 1995, the Commission published a further "Policy Statement Regarding Duration of Competition and Consumer Protection Orders" in the Federal Register. 60 FR 42569. Under this Policy Statement, which superseded the Commission's 1994 Policy Statement, the Commission will ordinarily sunset future competition and consumer protection administrative orders automatically after 20 years, unless the Commission or the Department of Justice has filed a complaint (with or without an accompanying consent decree) in federal court to enforce such order pursuant to Section 5(l) of the Federal Trade Commission Act ("FTC Act"). This policy does not extend to federal court orders. The Commission also announced its intention to sunset existing administrative orders through rulemaking, rather than case-by-case determinations, and published a Notice of Proposed Rulemaking regarding the "Duration of Existing Competition and Consumer Protection Orders" in the Federal Register. 60 FR 42481 (August 16, 1995).

The Commission received 22 comments regarding the proposed rule, 21 of which support the issuance of the proposed rule. One comment, filed by the American Association of Retired Persons ("AARP"), opposes the proposed rule.<sup>2</sup> In addition, three of the 21 comments supporting the proposed rule urge the Commission to sunset existing administrative orders in less than 20 years.<sup>3</sup> One of the 21 comments supporting the proposed rule urges the Commission to adopt (1) an expedited process for reviewing petitions to set aside consumer protection orders that are ten years old or older; and (2) a presumption that such petitions should be granted unless substantial contrary evidence is submitted on the record.<sup>4</sup>

<sup>2</sup> AARP opposes the sunset of core provisions in consumer protection orders (AARP took the same position when it commented on the Commission's 1994 Policy Statement). However, if the Commission decides to sunset consumer protection orders after 20 years, AARP endorses the proposal to extend the duration of any order where the government has filed a complaint to enforce the order while it remains in force. AARP contends that the proposed rule is unclear as to whether the Commission will be able to impose civil penalties as well as extend an order's duration by filing a complaint. AARP urges the Commission to state unambiguously that civil penalties may be imposed for violations of an order, the duration of which is extended under the proposed rule.

The Commission notes that the issuance of the rule will not affect the Commission's authority pursuant to Section 5(l) of the FTC Act to seek civil penalties for violations of an order that remains in effect. Complaints filed in federal court by the Commission or the Department of Justice pursuant to Section 5(l) of the FTC Act routinely seek civil penalties and will continue to do so.

<sup>3</sup> Another comment supporting the proposed rule requested that the Commission clarify its policy by confirming that the reference date for computing the 20 year sunset period is the date of the order's initial issuance and not the date of any subsequent modification. As the Commission stated in its Policy Statement:

Unless an order modification expressly changes the duration of an order, such modification will not affect the duration of the order as determined by this Policy Statement.

60 FR at 42572 n.9.

<sup>4</sup> One of the three comments described above urges the Commission to adopt a ten year sunset period for competition orders. Another urges the Commission to adopt a ten year sunset period for consumer protection orders. The last one urges the Commission to consider a sunset period shorter than 20 years. The Policy Statement explains why the Commission decided to sunset administrative orders after 20 years, 60 FR at 42573, as does the superseded 1994 Policy Statement, 59 FR at 45288. Furthermore, the Policy Statement explains why the Commission decided to sunset existing orders through rulemaking as opposed to the petitioning process:

The cost of the Commission retaining added discretion as to whether it should retain older orders, thereby requiring a case-by-case analysis with respect to each petition, likely exceeds the benefits of retaining older orders in extraordinary circumstances. By adopting a policy that does not require the Commission to exercise discretion with respect to individual orders, the Commission will conserve scarce resources and ensure equitable treatment of similarly situated respondents now subject to administrative orders.

<sup>1</sup> "Policy Statement With Request for Public Comment Regarding Duration of Competition Orders and Request for Public Comment Regarding Duration of Consumer Protection Orders," 59 FR 45286.