

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## FEDERAL TRADE COMMISSION

### 16 CFR Part 228

#### Tire Advertising and Labeling Guides

**AGENCY:** Federal Trade Commission.

**ACTION:** Request for public comments.

**SUMMARY:** The Federal Trade Commission ("Commission") requests public comments about the overall costs and benefits of and the continuing need for its Tire Advertising and Labeling Guides ("the Tire Guides" or "the Guides"), as part of the Commission's systematic review of all current Commission regulations and guides.

**DATES:** Written comments will be accepted until October 24, 2003.

**ADDRESSES:** Mailed comments should be directed to: Secretary, Federal Trade Commission, Room H-159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Mailed comments should be identified as "Tire Guides, 16 CFR Part 228—Comment." E-mail comments will be accepted at [[tireguides@ftc.gov](mailto:tireguides@ftc.gov)]. Those who comment by e-mail should give a mailing address to which an acknowledgment can be sent.

**FOR FURTHER INFORMATION CONTACT:** David Plottner, Investigator, Federal Trade Commission, 1111 Superior Avenue, Suite 200, Cleveland, Ohio 44114, telephone number (216) 263-3409, E-mail [[dplottner@ftc.gov](mailto:dplottner@ftc.gov)].

#### SUPPLEMENTARY INFORMATION:

#### I. Tire Advertising and Labeling Guides

The Commission first promulgated Trade Practice Rules for the Tire Industry in 1936. It discarded those Rules as obsolete and adopted new regulations in 1958. Subsequently, those regulations were folded into complete Guides that became effective in January 1968. These 1968 Guides were revised slightly in 1994, with the addition of a provision regarding retreaded tires. Otherwise the 1968 Guides have remained unchanged.

Commission Guides, generally, constitute administrative interpretations

of Commission law and are administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements. Conduct inconsistent with the Guides may result in corrective action by the Commission under applicable statutory provisions.

The Tire Guides cover tires for use on "passenger automobiles, station wagons, and similar vehicles." They apply to manufacturers of new vehicles, on which these tires are provided as original equipment, and to those who manufacture, sell, distribute, or retread tires. The Tire Guides address labeling, both permanent and removable; advertising, including specific triggering terminology, performance claims, deceptive pricing claims, and guarantee advertising; point-of-sale disclosures regarding use, care and safety; and disclosures relating to used, retreaded tires and snow tires.

#### II. Regulatory Review Program

The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. The Commission solicits comments on, among other things, the economic impact of and the continuing need for the Tire Guides; possible conflict between the Guides and state, local, or other federal laws; and the effect of any technological, economic, or other industry changes on the Guides.

#### III. Request for Comment

The Commission solicits written public comments on the following questions:

(1) Is there a continuing need for the Tire Guides?

(a) What benefits have the Guides provided to purchasers of the products affected by the Guides?

(b) Have the Guides imposed costs on purchasers?

(c) How prevalent and widespread is voluntary compliance with the Guides?

(d) Have other Federal regulatory initiatives rendered the Guides unnecessary?

(2) What changes, if any, should be made to the Guides to increase the benefits of the Guides to purchasers?

(a) How would these changes affect the costs the Guides impose on firms following their suggestions?

(b) How would these changes affect the benefits to purchasers?

(3) What significant burdens or costs, including costs of compliance, have the Guides imposed on firms following their suggestions?

(a) Have the Guides provided benefits to such firms? If so, what benefits?

(4) What changes, if any, should be made to the Guides to reduce the burdens or costs imposed on firms following their suggestions?

(a) How would these changes affect the benefits provided by the Guides?

(5) Do the Guides overlap or conflict with other Federal, state, or local laws or regulations?

(a) To what extent has/will NHTSA tire safety regulations and tire quality grading standards regulations [49 CFR 567, 571, 574, 575, and 597] including those required by the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act of 2000, Pub. L. 106—414 supersede the need for this Guide or parts of this Guide?

(b) To what extent has the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.*, and regulations promulgated pursuant to the Act, found at 16 CFR Parts 700-703 and Part 239, superseded the need for the Guides or parts of the Guides?

(c) Have state consumer protection laws or regulations governing tires, tire safety, tire price advertising, tire disposal, retreading, or snow tires affected the need for the Guides or parts of the Guides?

(6) Since 1968 when the main provisions of the Guides were issued, what effects, if any, have the following changes in relevant technology or economic conditions had on the Guides:

(a) The recent increased sales of pickup trucks, sport utility vehicles, and similar new vehicles, the tires of which may not be covered by the Guides?

(b) The shift to radial tires (as opposed to the bias-ply tires popular when the Guides were issued) in today's tire market?

(c) Changes in tire distribution or sales, including use of E-mail, the Internet, Internet advertising or CD-ROM advertising.

(d) The declining market for retreaded passenger car tires.

(7) Are there any abuses occurring in the distribution, promotion, sale or manufacture of tires that are not addressed by the Guides? If so, what mechanisms should be explored to address such abuses (e.g., consumer education, industry self-regulation, Guide amendment)?

#### List of Subjects in 16 CFR Part 228

Advertising, Automobile tires, Trade practices.

**Authority:** 15 U.S.C. 41–58.

By direction of the Commission, Commissioner Harbour not participating.

**Donald S. Clark,**

Secretary.

[FR Doc. 03–21681 Filed 8–22–03; 8:45 am]

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## SOCIAL SECURITY ADMINISTRATION

### 20 CFR Part 404

[Regulation No. 4]

RIN 0960–AF62

#### Amendments to Annual Earnings Test for Retirement Beneficiaries

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** We are providing notice of proposed rulemaking to conform to the “Senior Citizens’ Freedom to Work Act of 2000”. This legislation was enacted on April 7, 2000, and became retroactively effective on January 1, 2000. It eliminates the Social Security annual earnings test for retirement beneficiaries, starting from the month in which they reach full retirement age. Before the passage of this legislation, persons reaching full retirement age were subject to an earnings test until the month in which they attained age 70.

**DATES:** To ensure that your comments are considered, we must receive them no later than October 24, 2003.

**ADDRESSES:** You may give us your comments by using: our Internet site facility (i.e., Social Security Online) at <http://www.socialsecurity.gov/regulations/>, e-mail to [regulations@ssa.gov](mailto:regulations@ssa.gov), telefax to (410) 966–2830 or by sending a letter to the Commissioner of Social Security, P.O. Box 17703, Baltimore, Maryland 21235–7703. You may also deliver them to the Office of Process and Innovation Management Regulations, Social Security Administration, 100 Altmeyer Building, 6401 Security Boulevard,

Baltimore, Maryland 21235–6401, between 8 a.m. and 4:30 p.m. on regular business days. Comments are posted on our Internet site, or you may inspect them physically on regular business days by making arrangements with the contact person shown in this preamble.

**ELECTRONIC VERSION:** The electronic file of this document is available on the date of publication in the **Federal Register** on the Internet site for the Government Printing Office: [http://www.access.gpo.gov/su\\_docs/aces/aces/140.html](http://www.access.gpo.gov/su_docs/aces/aces/140.html). It is also available on the Internet site for SSA (i.e., “Social Security Online”) at <http://www.socialsecurity.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Dorothy Skipwith, Social Insurance Specialist, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 965–4231 or TTY (410) 966–5609. For information on eligibility or filing benefits: Call our national toll-free numbers, 1–800–772–1213 or TTY 1–800–325–0078, or visit our Internet web site, Social Security Online, at <http://www.socialsecurity.gov>.

#### SUPPLEMENTARY INFORMATION:

##### Background

In addition to the revisions necessitated by the changes in the “Senior Citizens’ Freedom to Work Act of 2000,” Pub. L. 106–182, which eliminated the annual earnings test for persons reaching full retirement age, we are proposing changes necessitated by the “Social Security Amendments of 1983,” Pub. L. 98–21. This legislation will increase the full retirement age for persons born in 1938 or later in incremental amounts, with a full 2-year increase in full retirement age for persons born in 1960 or later. We are also proposing the revision of the existing regulatory sections, numbered below, to present them in plainer language and to update the examples.

##### Explanation of Proposed Changes

The following is a brief summary of the sections we propose to revise and the changes to each of them.

*Section 404.338 Widow’s and widower’s benefits amounts.* This section describes the benefit amount a widow or widower may expect to receive relative to the benefit amount of the deceased insured spouse. The benefit amount for the widow or widower may include increased benefits based on delayed retirement credit of the deceased insured spouse, or reduced benefits based on the deceased insured spouse retiring before reaching full

retirement age. This section also includes discussion on widow or widower benefits based on a special primary insurance amount when the insured died before reaching age 62. We propose to revise this section to reflect the change in full retirement age.

*Sections 404.415 and 404.416 Deductions because of excess earnings; annual earnings test. Amount of deduction because of excess earnings.* We propose to combine sections §§ 404.415 and 404.416 into a revised section § 404.415, “Deductions because of excess earnings,” because the topics are closely related and overlapping.

Revised section § 404.415 would explain the effect of excess earnings on the benefits of:

1. An insured person caused by his/her excess earnings.
2. An auxiliary beneficiary because of the excess earnings of the insured person on whose record he/she draws benefits.
3. An auxiliary beneficiary because of his/her own excess earnings, which reduce only that beneficiary’s benefits.

This revised section § 404.415 would also reflect the legislated changes in full retirement age and annual earnings test.

*Section 404.428 Earnings in a taxable year.* This section clarifies the method for calculating a beneficiary’s or prospective beneficiary’s annual earnings with respect to the annual earnings test. It also clarifies when the claimant may use a taxable year other than a calendar year, and the number of months in a taxable year used in the earnings test calculation for the year of death. This section also defines which reporting year wage earners and self-employed individuals must use relative to the year in which the earnings were earned.

We propose to revise the section to reflect changes in the annual earnings test and full retirement age.

*Section 404.429 Earnings; defined.* This section defines wages and net earnings from self-employment for earnings test purposes. It also lists the self-employment occupations that are included in “net earnings from self-employment” for earnings test purposes. This section also defines the allowable level of a claimant’s involvement and performance in an ongoing business in determining whether the claimant’s retirement actually has taken place.

We propose to revise the section to reflect the new annual earnings test and full retirement age legislation.

*Section 404.430 Excess earnings defined for taxable years ending after December 1972; monthly exempt amount defined.* This section defines the maximum monthly and annual