a location where the requirements of this AD can be accomplished.

(e) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, New York Aircraft Certification Office (ACO), FAA, 10 Fifth Street, 3rd Floor, Valley Stream, New York 11581. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

(f) All persons affected by this directive may obtain copies of the document referred to herein upon request to de Havilland, Inc., 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5 Canada; 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.

(g) This amendment supersedes AD 78–26–02, Amendment 39–3370.

Issued in Kansas City, Missouri, on August 7, 1995.

#### Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

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# PENSION BENEFIT GUARANTY CORPORATION

#### 29 CFR Part 2615

RIN 1212-AA77

## Reportable Events

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intent to form a negotiated rulemaking advisory committee.

SUMMARY: The Pension Benefit Guaranty Corporation intends to form a negotiated rulemaking advisory committee under the Negotiated Rulemaking Act of 1990. The committee will develop proposed amendments to the PBGC's regulations governing reportable events, *i.e.*, events that may be indicative of a need to terminate a pension plan. These amendments will, among other things, implement recent amendments contained in the Retirement Protection Act of 1994.

**DATES:** Comments and applications or nominations for membership must be received on or before September 15, 1995.

**ADDRESSES:** Comments and nominations or applications for membership may be

mailed to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, or delivered to Suite 340 at the above address. Comments, nominations, and applications will be available for public inspection at the PBGC's Communications and Public Affairs Department, Suite 240.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, or James L. Beller, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024 (202–326–4179 for TTY and TDD).

#### SUPPLEMENTARY INFORMATION:

#### **Background**

Section 4043 of the Employee Retirement Income Security Act of 1974, as amended by the Retirement Protection Act of 1994, requires the reporting to the PBGC of certain events ("reportable events") that may be indicative of a need to terminate the plan. The PBGC's existing regulations on reportable events (29 CFR part 2615, subpart A) specify the events that must be reported, the circumstances under which reporting is waived, and the information that must be included in a reportable event filing.

RPA amended section 4043 of ERISA by (1) establishing the reporting obligation, which was previously placed solely on plan administrators, on contributing sponsors as well; (2) adding four new reportable events; (3) establishing a new obligation on contributing sponsors of certain underfunded plans to provide 30 days' advance notice of certain reportable events; and (4) protecting reportable event filings from public disclosure.

The PBGC intends to publish a proposed rule that would amend its existing regulations on reportable events to reflect RPA and to make other appropriate changes. Two major issues the PBGC intends to address in these regulations are: (1) The conditions under which the regulations should provide for waivers of reporting requirements (based on, e.g., the size or funding status of the plan); and (2) the information the regulations should require as part of the reportable event filing (including, e.g., plan actuarial and employer financial information). Other issues may be addressed as well.

The PBGC intends to use the negotiated rulemaking procedure in accordance with the Negotiated Rulemaking Act of 1990. The PBGC will form an advisory committee consisting of representatives of the affected

interests and the agency for the purpose of reaching a consensus on the text of a proposed rule.

A number of interests (including employers, service providers, and participants) are likely to be significantly affected by new regulations on reportable events. The effect of the regulations is likely to vary, depending primarily on the size and funding status of the plan and the size, corporate structure, and financial condition of the employer.

# **Regulatory Negotiation**

Negotiated rulemaking is a consensusbased approach to the development of agency rules, in which representatives of affected interests work together to reach consensus on the content of a proposed rule. The PBGC believes that these proposed regulations are appropriate for regulatory negotiation because of the various interests likely to be significantly affected and the complexity of the subject matter.

Formation of the committee is in the public interest in connection with developing rules concerning reportable events. The PBGC hopes to be able to use the consensus of the committee as the basis for the proposed rule.

The PBGC invites comments on the appropriateness of regulatory negotiation for these proposed regulations.

## **Committee Membership**

The PBGC tentatively has identified the following interests and list of possible committee members:

**Employer Representatives:** 

Association of Private Pension and Welfare Plans Chamber of Commerce of the United

States of America The ERISA Industry Committee

Financial Executives Institute Service Provider Representatives: American Academy of Actuaries

American Bar Association
American Institute of Certified Public
Accountants

American Society of Pension Actuaries

Participant Representatives:

Air Line Pilots Association American Association of Retired Persons

American Federation of Labor-Council of Industrial Organizations International Union, United Automobile, Aerospace & Implement Workers of America

United Steelworkers of America
Pension Benefit Guaranty Corporation:
Ellen A. Hennessy, Deputy Executive
Director and Chief Negotiator
William Posner, Deputy Executive