

law enforcement and regulatory authorities; and any other interests that Commission staff may identify and deem appropriate for representation.

Parties representing the above-referenced interests will be selected on the basis of the following criteria:

1. The party notifies Commission staff in writing of its interest on or before March 4, 1996;
2. The party's participation would promote a balance of interests being represented at the Conference;
3. The party's participation would promote the consideration and discussion of a variety of issues raised;
4. The party has experience or expertise in international franchise sales transactions or related issues; and
5. The number of parties selected will not be so large as to inhibit effective discussion among them.

The Conference will be facilitated by a Commission staff member. It will be held on March 11, 1996, in Room 332, Federal Trade Commission, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580.

To foster discussion at the Conference, and to assist the Commission in considering possible enforcement strategies, the Commission requests that the Conference participants bring with them specific written recommendations with respect to the application of the Franchise Rule in international sales. For example, if a participant believes that the sale of franchises in the international arena should be exempt from the Rule, then the Commission requests that participant to bring a written draft of such an exemption. Similarly, if a participant believes that the Commission should issue a policy statement on international sales, then the Commission requests that participant to bring a written draft of such a policy statement.

#### B. Issues for Discussion

The Commission staff and panelists will discuss the following issues during a Public Workshop Conference:

- (1) What is the current state of international franchising?
  - (a) How many American companies sell franchises internationally? How many outlets do American franchisors have located in foreign countries? Are the firms involved in international transactions primarily the larger franchise systems? What are the similarities and differences between franchisors that focus on domestic franchise sales and those that have an international presence?
  - (b) What is the expected rate of growth in international franchise sales?

(c) What is the state of franchise regulation in foreign countries?

(d) Is there any case law on the application of the Franchise Rule to international sales? Explain the facts and any court rulings.

(e) What are the relevant conflict of international law principles the Commission should consider?

(2) How do American franchisors market their franchises overseas?

(a) How do American franchisors attract prospective buyers?

(b) How are international sales transactions similar to or different from the sales of domestic franchises?

(c) How is the market for international sales similar to or different from the domestic market?

(d) What are the similarities and differences between domestic franchisees and international franchisees? To what extent are American franchisors' sales of international franchises being made to American citizens? To what extent do they involve sales to foreign nationals? Are there differences between purchasers of domestic and international franchises with respect to their level of business sophistication, financial resources, and/or prior experience with franchising?

(3) To what extent do American franchisors provide disclosure documents in international sales transactions?

(a) What format do these disclosure documents follow (an FTC disclosure document, a UFOC, a country specific disclosure document, an international disclosure document, an amendment to a domestic disclosure document)?

(b) What costs, over and above the costs of making disclosures on domestic sales, do American franchisors incur when they provide disclosure documents in international sales transactions?

(c) To what extent do American franchisors provide other disclosures in international franchise sales?

(4) What are the advantages and disadvantages, including costs, of complying with the Franchise Rule in international sales transactions?

(5) Is application of the Franchise Rule to international sales necessary or desirable to protect franchise purchasers?

(6) Is application of the Franchise Rule to international sales necessary or desirable to protect competition among American franchisors? Among American and foreign franchisors? Among American franchisors and other American business investment promoters not covered by the Franchise Rule?

(7) What other factors or policies should the Commission consider in formulating an enforcement policy with respect to the application of the Franchise Rule to international sales?

#### List of Subjects in 16 CFR Part 436

Advertising, Business and industry, Franchising, Trade practices.

Authority: 15 U.S.C. 41-58.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96-3416 Filed 2-14-96; 8:45 am]

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## RAILROAD RETIREMENT BOARD

### 20 CFR Part 209

RIN 3220-AB16

#### Railroad Employers' Reports and Responsibilities

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend its regulations to add sections to permit employers to dispose of payroll records after five years, and for the utilization of payroll records to credit service under the Railroad Retirement Act in the case of employers that have ceased operations. These amendments would alleviate needless record retention and would ease reporting requirements for employers that have permanently ceased operations.

**DATES:** Comments must be submitted on or before April 15, 1996.

**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 (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Employer reports are used to establish employee compensation and service records. These reports are based on payroll records. The Board's rules and procedures regarding the authorization of disposal of these records and the utilization of payroll records of employers who have abandoned service in lieu of employer reports are presently contained in Board Orders, which are not readily available to the public. Accordingly, the Board proposes to adopt regulations specifying that railroad employers may dispose of payroll records more than five years old

where there is no dispute pending as to the compensation reported for the periods covered by those records. The Board also proposes to amend its regulations to provide that the Board will accept payroll records in lieu of prescribed reports if there is no official of the employer available to prepare and certify to the accuracy of such reports and if the tax liability involved has been discharged.

The Board, with the agreement of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

#### List of Subjects in 20 CFR Part 209

Railroad employees, Railroad retirement, Railroads.

For the reasons set out in the preamble, title 20, chapter II, part 209 of the Code of Federal Regulations is proposed to be amended as follows:

#### **PART 209—RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES**

1. The authority citation for part 209 continues to read as follows:

Authority: 45 U.S.C. 231f.

2. Part 209 is amended by adding §§ 209.16 and 209.17 to read as follows:

##### **§ 209.16 Disposal of payroll records.**

Employers may dispose of payroll records for periods subsequent to 1936, *provided that* the payroll records are more than five years old and that there is no dispute pending pertaining to the compensation reported for the period of those records.

##### **§ 209.17 Use of payroll records as returns of compensation.**

Payroll records of employers which have permanently ceased operations may be accepted in lieu of prescribed reports *provided that* there is no official of the employer available to prepare and certify to the accuracy of such reports and, *provided further that* any employer and employee tax liability incurred under the Railroad Retirement Tax Act has been discharged.

Dated: February 5, 1996.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 96-3391 Filed 2-14-96; 8:45 am]

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## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Part 17**

#### **Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To De-List the Maryland Darter (*Etheostoma sellare*)**

**AGENCY:** Fish and Wildlife, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service announces a 90-day finding for a petition to remove the Maryland darter from the list of Endangered and Threatened Wildlife and Plants due to extinction. The Service finds that the petition does not present substantial scientific or commercial information indicating that delisting of this species may be warranted.

**DATES:** The finding announced in this document was made on February 7, 1996.

**ADDRESSES:** Submit data, information, comments or questions concerning this petition to Field Supervisor, Chesapeake Bay Field Office, U.S. Fish and Wildlife Service, 177 Admiral Cochrane Drive, Annapolis, Maryland 21401. The petition finding and supporting data are available for public inspection, by appointment, during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Andy Moser at the above address (telephone 410 573-4537).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the petition is submitted. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published in the Federal Register.

The Service has made a 90-day finding on a petition to delist the Maryland darter. The petition, dated July 6, 1995, was submitted to the Service by the Maryland Farm Bureau, Inc., of Randallstown, Maryland and was received by the Service on July 14, 1995. The petitioners contend that the species was last seen in Deer Creek (in

Harford County, Maryland) more than 15 years ago and is now absent from Deer Creek, the only location where it had been found in recent decades.

The Service has carefully reviewed the petition and all other information currently available in the Service's files. On the basis of the best scientific and commercial data available, the Service finds the petition does not present substantial information that delisting this species may be warranted. This finding is based on the inadequacy of existing data to support the contention that the Maryland darter is extinct.

The following is a summary of the information available on the species' status. The species was originally described from two specimens taken from Swan Creek in Harford County, Maryland, in 1912 (Radcliffe and Welsh 1913). Over the next 50 years many efforts were made to collect this darter in this and nearby streams (USFWS 1985). All attempts failed until 1962, when a specimen was found in Gashey's Run, a tributary to Swan Creek. Although the species has not been documented in Gashey's Run since 1965, the species was subsequently found in 1965 at a single site in Deer Creek in Harford County, Maryland. It was first found at this site in 1965 and has since been observed there irregularly, but on numerous occasions, through 1988 by individuals using seines or snorkels. During this period the majority of sampling/observation efforts resulted in negative results. The last documented observation, seven years ago, was reported by Raesley (1991). Since 1988, despite fairly extensive efforts, no Maryland darters have been observed at the Deer Creek site; nor has the species been observed elsewhere.

In the past, there have been long gaps in the species being observed and collected in Maryland. This hiatus in reporting does not provide definitive evidence of the species' extinction in the wild. As pointed out by Etnier (1994), it is not uncommon for rare species to be absent from samples at a given location for long periods of time and then to reappear in samples taken subsequently in the same location. A recent example of this occurred with another darter, the stripeback darter (*Percina nottogramma*), in Maryland. The stripeback darter had been considered extirpated in Maryland because it had not been observed in Maryland streams for 51 years. However, it was rediscovered in Maryland in 1995 (Raesley, Frostburg State Univ., pers. comm.).

While the failure to find the Maryland darter in Deer Creek for the last seven