

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****15 CFR Part 922****Regulation To Prohibit the Attraction of White Sharks in the Monterey Bay National Marine Sanctuary; Clarification of Exception To Discharge Prohibition; Public Hearing**

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed rule; public hearing.

SUMMARY: The National Oceanic and Atmospheric Administration's Sanctuaries and Reserves Division (SRD) has issued a proposed rule to amend the regulations for the Monterey Bay National Marine Sanctuary (MBNMS or Sanctuary) to prohibit the attracting of white sharks by the use of food, chum, bait, or other means in the nearshore (seaward to 3 miles) waters of the MBNMS. The proposed rule published February 12, 1996 (61 FR 5335), discusses the reasons SRD is proposing prohibiting this activity in the Sanctuary. A 30-day comment period closes on March 12, 1996. To maximize public input on this issue, a public hearing has been scheduled whereby the public will be allowed to provide written or oral comments. Individuals wishing to make a statement will be required to sign up at the door and will be limited to three minutes.

DATES: The public hearing will be held on Friday, March 1, 1996, starting at 6:30 p.m.

ADDRESSES: The public hearing will be held at the El Grenada Elementary School, 400 Santiago Avenue, El Grenada, California.

FOR FURTHER INFORMATION CONTACT:

Ed Ueber at (415) 556-3509 or Elizabeth Moore at (301) 713-3141.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: February 12, 1996.

David L. Evans,

Acting Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

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FEDERAL TRADE COMMISSION**16 CFR Part 436****Franchise Rule Review Public Workshop Conference on the Application of the Franchise Rule to International Sales**

AGENCY: Federal Trade Commission.

ACTION: Public Workshop Conference.

SUMMARY: The Federal Trade Commission ("Commission") will hold a Public Workshop Conference on the application of the Commission's Trade Regulation Rule on Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures ("the Franchise Rule" or "Rule") to international franchise sales. This Public Workshop Conference is being conducted as part of the Commission's ongoing regulatory review of the Franchise rule.

DATES: The Public Workshop Conference will be held on March 11, 1996, at the Federal Trade Commission, Room 332, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580. Notification of interest in participating in the Public Workshop Conference should be submitted in writing on or before March 4, 1996. Interested parties may submit written comments in lieu of participating in the Public Workshop Conference. Accordingly, the Rule Review record will remain open. The Commission staff encourages interested parties to submit any comments before March 8, 1996, so they can be considered during the Conference.

ADDRESSES: Notification of interest in participating in the Public Workshop Conference should be submitted in writing to Steven Toporoff, Division of Marketing Practices, Federal Trade Commission, Washington, DC 20580. Written comments should be directed to: Secretary, Federal Trade Commission, Room H-159, Sixth Street and Pennsylvania Avenue, N.W., Washington, DC 20580. Comments should be identified as "16 CFR Part 436—Comment."

FOR FURTHER INFORMATION CONTACT:

Steven Toporoff, (202) 326-3135, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: As part of its systematic review of trade regulations and guides, the Commission published a request for public comment on the Franchise Rule. 60 FR 17656 (April 7, 1995). In September 1995, the Commission held a Public Workshop Conference in Bloomington, Minnesota,

to discuss the comments and issues raised during the Rule Review. See 60 FR 34485 (July 3, 1995).

Among other issues, the Commission solicited comment on what effects, if any, changes in relevant technology, economic conditions, and industry practices have had on the Rule. In response, the Commission received several comments noting that, since the Franchise Rule went into effect in the late 1970's, the market for franchises has grown both domestically and internationally. In the international arena, many American franchisors are selling territories and individual units to American and foreign investors to operate overseas. These commentors requested Commission guidance on whether the Franchise Rule applies to international sales and, if so, what form the disclosures should take.

A. The Public Workshop Conference

The Public Workshop Conference will afford Commission staff and interested parties an opportunity to discuss whether the Franchise Rule applies to international franchise sales transactions. Commission staff will consider the views and suggestions made during the Conference, as well as any written comments, in formulating its final recommendations to the Commission.

The Commission staff will select a limited number of parties to participate as panelists during the Conference. These parties will participate in an open discussion of the issues. It is contemplated that the panelists might ask and answer questions based upon their respective views.

In addition, the Conference will be open to the general public. Members of the general public who attend the Conference may have an opportunity to make a brief oral statement presenting their views on the application of the Franchise Rules to international sales transactions. Oral statements of views by members of the general public will be limited to a few minutes. The time allotted for these statements will be determined on the basis of the time available and the number of persons who wish to make statements. This discussion will be transcribed and placed on the public record. In addition, written submissions of views, or any other written or visual materials, will be accepted during the Conference and will be made part of the public record.

To the extent possible, Commission staff will select parties to represent the following affected interests: franchisors; franchisees; franchise brokers and consultants; economists and academicians; federal, state, and foreign

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.

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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