Category name				Effective date
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[FR Doc. 97–11899 Filed 5–6–97; 8:45 am]
BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–126, RM–9074]

Radio Broadcasting Services; Saint Florian, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Fredrick A. Biddle dba Power Valley Enterprises, requesting the allotment of Channel 274A to Saint Florian, Alabama, as that community's first local aural transmission service. Petitioner is requested to provide additional documented information to establish Saint Florian's status as a community for allotment purposes. Coordinates used for Channel 274A at Saint Florian are 34–57–08 and 87–39–30.

DATES: Comments must be filed on or before June 23, 1997, and reply comments on or before July 8, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's consultant, as follows: Kirk A. Tollett, Commsouth Media, Inc., 716 North Miller Avenue, P.O. Box 810, Crossville, TN 38557–0810.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–126, adopted April 23, 1997, and released May 2, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–11827 Filed 5–6–97; 8:45 am]
BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–127; RM–9077]

Radio Broadcasting Services; Moorcroft, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Mountain Tower Broadcasting proposing the allotment of Channel A at Moorcroft, Wyoming, as the community's first local aural transmission service. Channel A can be allotted to Moorcroft in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel A at Moorcroft are North Latitude 44–15–54 and West Longitude 104–57–06.

DATES: Comments must be filed on or before June 23, 1997, and reply comments on or before July 8, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Victor A. Michael, Jr., President, Mountain Tower Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 300, Cheyenne, Wyoming 82001 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97–127, adopted April 23, 1997, and released May 2, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–11828 Filed 5–6–97; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Chapter X

[STB Ex Parte No. 564]

Service Obligations Over Excepted Track

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board seeks comments from all interested persons on the circumstances under which it should require a railroad to operate over excepted track that does not meet Federal Railroad Administration (FRA)

class 1 track safety standards, and that the operating railroad deems to be unsafe.

DATES: Notices of intent to participate are due by May 27, 1997. Shortly thereafter, a list of participants will be issued. Comments are due by July 7, 1997. Replies are due by August 5, 1997.

ADDRESSES: Send an original and 10 copies of notices of intent to participate and pleadings referring to STB Ex Parte No. 564: Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

Also, send one copy to each party on the list of participants.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: (202) 565–1695.]

SUPPLEMENTARY INFORMATION: In a decision in *GS Roofing Products Company, Inc., Beazer West, Inc., D/B/A Gifford Hill & Company, Bean Lumber Company and Curt Bean Lumber Company* v. *Arkansas Midland Railroad and Pinsly Railroad Company, Inc.*, Docket No. 41230 (STB served Mar. 11, 1997) (*GS Roofing*),[1] we reviewed a fact-specific complaint concerning whether a railroad's embargo of certain ''excepted'' track that had been operated at less than FRA ''class 1'' operating standards was unlawful so as to support a request for damages for failure to provide service during the period of the embargo. We found that it was not unlawful.

In our *GS Roofing* decision, we addressed, in general terms, the relationship between the common carrier obligation and a railroad's determination to impose an embargo. We pointed out (at 2 n.5) that a carrier's common carrier obligation is not extinguished by its imposition of an embargo. We also noted (at 8) that, ''under its common carrier obligation, a railroad's primary responsibility is to restore safe and adequate service within a reasonable period of time over any line as to which it has not applied for abandonment authority.'' Nevertheless, in the *GS Roofing* case, we concluded that the carrier's initial determination to embargo the track was reasonable, as the track had been damaged by flooding and the carrier thus had reasonably concluded that the track was unsafe. We also found that the carrier's continuation of the embargo for approximately two months, before it determined whether to repair the track or instead to seek to abandon or sell it, was not unreasonable.

We recognize that, in some circumstances, excepted track may be safe, if it is operated at appropriate speeds and under appropriate operating conditions. For that reason, and because an embargo does not extinguish the common carrier obligation, the Interstate Commerce Commission (ICC), our predecessor with respect to railroad regulation, found a carrier liable for not repairing excepted track and resuming operations over it in *Louisiana Railcar, Inc.* v. *Missouri Pacific R.R.*, 5 I.C.C.2d 542, 546 (1989), a case that we cited in our *GS Roofing* decision.

Nonetheless, a railroad may be of the view that certain excepted track—even track that has not been expressly condemned by the FRA—is not safe. In light of the implications of the Government forcing a carrier to operate over track that the carrier may reasonably believe is unsafe, the ICC historically used class 1 standards as the minimum level of safety compliance at which a railroad would be required to operate.

Because our *GS Roofing* decision was fact-specific, we did not address, beyond the general principles noted earlier, the circumstances under which a railroad's refusal to provide service over excepted track would be deemed to be unreasonable. Nevertheless, our decision has apparently generated some confusion, and indeed has been characterized as having held that railroads can, as a matter of course, avoid their common carrier obligation simply by declaring their track to be excepted track.

Those questions—although they go well beyond any matter addressed in the fact-specific *GS Roofing* decision itself, are significant, and of broad interest. Accordingly, we are initiating sua sponte this proceeding to address the circumstances under which we should require a railroad to provide service to shippers over track that does not meet FRA class 1 track safety standards, and that the carrier has concluded is not safe. We seek the views not only of the operating railroads and their shippers, but also of rail labor, whose members operate over the track at issue; the FRA, which is responsible for administering the railroad track safety program; state and local governments that are involved with rail transportation planning and programs; and any other interested persons. Depending on the nature of the submissions presented, we will determine at a future date whether to propose formal rules, issue a policy statement, or continue to proceed on a case-by-case basis, as we and the ICC have done in the past.

Decided: April 28, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 97–11877 Filed 5–6–97; 8:45 am]

BILLING CODE 4915–00–P

[1] Petition for review pending, *GS Roofing Products Company, Inc., et al.* v. *Surface Transportation Board*, No. 97–107 (8th Cir.).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[Docket No. 970213030–7030–01; I.D. 020597B]

RIN: 0648–AJ77

Central Title and Lien Registry for Limited Access Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: NMFS extends for 3 months the comment period for an advance notice of proposed rulemaking (ANPR) about a central title and lien registry for limited access fishing permits. Parties responding to the ANPR's original comment period requested a 6-month extension.

DATES: Comments must be submitted by August 5, 1997.

ADDRESSES: Send comments to: Michael L. Grable, Chief, Financial Services Division, NMFS, 1315 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable at (301) 713–2390.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act requires a title and lien registry for limited access fishing permits. The registry will be the exclusive means of perfecting title to these permits. It will also be the exclusive means of perfecting security interests in, assignments of, and liens and other encumbrances against these permits.

NMFS wanted the public's guidance before proposing regulations. We published the ANPR in the March 6, 1997, **Federal Register** (62 FR 10249). The ANPR's comment period ended on April 7, 1997.

We received five comments. One was from a law firm representing a coalition