

TABLE G.—DISTRIBUTION OF OWNERSHIP INTERESTS IN GENERAL AND LIMITED PARTNERSHIPS

Ownership range	General partners	Percent	Limited partners	Percent
1%—<5%	51	21.3	29	19.7
5%—<10%	13	5.4	46	31.3
10%—<15%	9	3.8	44	30.0
15%—<20%	11	4.6	0	0.0
20%—≤50%	72	30.0	28	19.0
50%—100%	84	35.0	0	0.0
Total	240		147	

The results indicate that the majority of general partners have either small (less than 5 percent) or very large (greater than 20 percent) ownership stakes in the licensee.

The ownership files investigated also indicate that virtually all limited partners claim insulation of their partnership claim.

XI. Limited Liability Companies and Other New Business Forms

A limited liability company (LLC) is a new hybrid form of ownership that combines advantages of both a limited partnership and corporations. Like limited partnerships, profits in an LLC are passed directly through to investors and therefore taxed only as personal income, which avoids the double taxation of corporations. However, unlike limited partnerships, LLC members may exercise management control without threat of loss of limited liability.

The available ownership records show a total of 10 stations organized as LLCs and 1 station partially owned by an LLC.

A. Total Profit and Non-Profit Stations

TABLE I.—DISTRIBUTION OF FOR-PROFIT TV STATIONS ACROSS TYPE 1994/95 OWNERSHIP-REPORT DATA

	Numbers	Percent
For-profit TV stations:		
Group-owned stations ...	781	74.8
Single-owned stations ...	262	25.2
Total for-profit stations	*1043	100.0
Number of TV group-owners	180	
Not-for-profit TV stations:		
Total stations	*499	

TABLE I.—DISTRIBUTION OF FOR-PROFIT TV STATIONS ACROSS TYPE 1994/95 OWNERSHIP-REPORT DATA—Continued

	Numbers	Percent
Total number of stations	1542	

* This break-out between for-profit and not-for-profit stations reflects the designation self-reported by licensees on their annual ownership report filed with the Commission. The number of not-for-profit stations exceeds the number of non-commercial stations (363 as of 11/20/95, Broadcasting & Cable) by some 130 stations, representing commercial-band stations that are not-for-profit.

B. Aggregate For-Profit Station Results

TABLE II.—FOR-PROFIT TV STATIONS BY STATION TYPE 1994/95 OWNERSHIP-REPORT DATA

Type of ownership	Number of stations	Percent
Single-owner stations	158	15.7
Single-majority-shareholder stations	308	30.5
Family-owned stations ..	72	7.1
Closely-held stations	114	11.3
Widely-held stations	203	20.1
General partnerships (GP)	42	4.2
Limited partnerships (LP)	89	8.8
Limited liability corporations (LLC)	10	1.0
International Stations	5	0.5
In Receivership	8	0.8
	1009	100

TABLE III.—GROUP-OWNED AND SINGLY-OWNED TV STATION RESULTS 1994/95 OWNERSHIP-REPORT DATA

Type of ownership	Group-owned stations percent	Singly-owned stations percent
Single-owner stations	15.3	22.9

TABLE III.—GROUP-OWNED AND SINGLY-OWNED TV STATION RESULTS 1994/95 OWNERSHIP-REPORT DATA—Continued

Type of ownership	Group-owned stations percent	Singly-owned stations percent
Single-majority-shareholder stations	32.2	30.5
Family-owned stations ..	7.9	4.4
Closely-held stations	10.2	18.9
Widely-held stations	20.4	6.8
General partnerships (GP)	4.0	3.2
Limited partnerships (LP)	8.5	9.6
Limited liability corporations (LLC)	1.1	0.4
International Stations	0.0	2.0
In Receivership	0.6	1.6

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1312

[STB Ex Parte No. 618]

Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property By or With a Water Carrier in the Noncontiguous Domestic Trade

AGENCY: Surface Transportation Board.
ACTION: Notice of proposed rulemaking.

SUMMARY: The Board proposes to modify its tariff filing regulations to reflect the elimination of most tariff filing requirements for surface carrier transportation, and to provide carriers with additional flexibility to establish appropriate formats for the filed tariffs that continue to be required. The proposed regulations eliminate obsolete provisions, and provide more flexibility for carriers to devise publications that will best fulfill the needs of the carriers and their customers.

DATES: Comments are due on January 19, 1997.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 618 to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Ave., N.W., Washington, DC 20423-0001.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (1995) (ICCTA), abolished the Interstate Commerce Commission (ICC), significantly reduced the regulation of surface carrier transportation, and transferred certain regulatory responsibilities to the Surface Transportation Board (Board). As pertinent here, the ICCTA eliminated tariff filing requirements for surface carrier transportation, except for the transportation of property (with certain exceptions) by or with a water carrier in the noncontiguous domestic trade. In the noncontiguous domestic trade, the ICCTA transferred from the Federal Maritime Commission (FMC) to the Board the responsibility for regulating port-to-port water carriage, and from the ICC to the Board the responsibility for regulating intermodal transportation.

The tariff regulations at 49 CFR part 1312, which the Board inherited from the ICC, have not been revised for several years. They contain numerous provisions that have become obsolete as tariff requirements have been eliminated or (for certain tariff requirements that were not eliminated) addressed in other parts of the CFR.

More specifically, the regulations at part 1312 contain broad tariff provisions addressed to rail carriers, pipeline carriers, motor carriers, water carriers, and household goods freight forwarders. However, rail carriers are no longer required by statute to maintain tariffs; regulations addressing their rate disclosure and dissemination requirements are now set forth in 49 CFR part 1300.¹ Similarly, pipeline carriers are no longer required to maintain tariffs; regulations addressing their rate disclosure requirements are now set forth in 49 CFR part 1305.² Moreover, motor carriers and freight forwarders are now required to maintain tariffs only for household goods

movements and intermodal movements in the noncontiguous domestic trade. Regulations to address their household goods tariff requirements have been proposed to be placed in 49 CFR part 1310.³ Thus, the only portions of part 1312 that have not been superseded or rendered obsolete are addressed to intermodal movements in the noncontiguous domestic trade.

As a result, we propose to revise part 1312 to remove unnecessary provisions. At the same time, we propose to expand part 1312 to embrace tariffs for port-to-port water movements in the noncontiguous domestic trade. Tariffs for such port-to-port water movements were formerly filed with the FMC, and thus were not addressed in the ICC's regulations. It seems logical and appropriate to address in the same regulations those tariff requirements together with the tariff requirements for intermodal movements in the same markets (the noncontiguous domestic trade).

The regulations we propose will require that these tariffs contain all of the information needed to determine the rates and service terms applicable to shipments that are subject to such tariffs, and that the information be made available in user friendly ways; however, we propose to eliminate the specific, detailed format specifications formerly set forth in part 1312. The prescription of detailed tariff formats was needed to facilitate rate and service comparisons when tens of thousands of motor carriers were required to file voluminous tariffs with the ICC detailing all of their rate and service offerings. We do not believe that such requirements are warranted today. The volume of tariffs filed with the Board is but a small fraction of the tariffs filed with the ICC when part 1312 was formulated, and many of the tariffs currently filed with the Board are filed electronically (and are, therefore, not subject to the printed tariff format requirements).⁴

In an earlier rulemaking proceeding, the ICC had proposed to establish general requirements for filed tariffs, in lieu of the detailed formats previously prescribed.⁵ Because of the voluminous motor carrier tariffs then on file, certain

motor carriers and shippers expressed concern that the elimination of detailed format specifications would make tariffs more difficult to use.⁶ The subsequent elimination of most motor carrier tariff filing requirements has, we believe, alleviated that concern.

Additionally, as noted above, many tariffs now required to be filed are filed with the Board electronically through the FMC's ATFI system, and those tariffs are subject to the format requirements established for that system. The use of electronic filings further reduces the need for detailed format specifications for printed tariffs, such as are now contained in part 1312, as there would be no consistency in the format of electronic and printed tariffs.

In these circumstances, we believe that replacing the current, restrictive filing regulations for printed tariffs with more flexible regulations will be in the public interest. The proposed regulations will not change the type or amount of information required to be included in tariffs, but they will provide carriers with additional flexibility to devise appropriate tariff publications to better serve their needs and the needs of their customers. This should increase the utility of tariffs and reduce the burden of complying with the tariff filing requirement.

Availability

The full text of the proposed rules is available to all persons for a charge by phoning DC News and Data, Inc., at (202) 289-4357.

Request for Comments

We invite comments on all aspects of the proposed regulations. We encourage any commenter that has the necessary technical wherewithal to submit its comments as computer data on a 3.5-inch floppy diskette formatted for WordPerfect 5.1, or formatted so that it can be readily converted into WordPerfect 5.1. Any such diskette submission (one diskette will be sufficient) should be in addition to the written submission (an original and 10 copies).

Small Entities

The Board preliminarily concludes that these rules, if adopted, would not have a significant economic effect on a substantial number of small entities. The proposed regulations eliminate obsolete provisions and offer carriers additional flexibility to establish appropriate formats for the tariffs that

³ *Household Goods Tariffs*, STB Ex Parte No. 555 (served Nov. 4, 1996), 61 Fed. Reg. 56656 (Nov. 4, 1996).

⁴ We propose to codify in the regulations the authority for carriers to file their tariffs electronically through FMC's Automated Tariff Filing and Information (ATFI) system. See *Electronic Filing of Noncontiguous Domestic Trade Tariffs*, Special Tariff Authority No. 4 (STB served Oct. 1, 1996).

⁵ *Electronic Filing of Tariffs*, Ex Parte No. 444 (ICC served Oct. 21, 1987).

⁶ The general requirements for filed tariffs proposed in the earlier proceeding were subsequently adopted for railroad tariffs, but not for the tariffs of other modes.

¹ *Disclosure, Publication, and Notice of Change of Rates and Other Service Terms for Rail Common Carriage*, 1 S.T.B. 153 (served June 28, 1996) (STB Ex Parte No. 528), 61 Fed. Reg. 35139 (July 5, 1996).

² *Disclosure and Notice of Change of Rates and Other Service Terms for Pipeline Common Carriage*, 1 S.T.B. 146 (served June 28, 1996) (STB Ex Parte No. 538), 61 Fed. Reg. 35141 (July 5, 1996).

continue to be required. The Board nevertheless seeks comment on whether there would be effects on small entities that should be considered, so that the Board can determine whether to prepare a regulatory flexibility analysis at the final rule stage.

Environment

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1312

Motor carriers, Noncontiguous domestic trade, Tariffs, Water carriers.

Decided: December 9, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons and Commissioner Owen.

Vernon A. Williams,

Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

Species Being Considered for Amendments to the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Supplemental Request for Information

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Request for comments.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulates international trade in certain animal and plant species, which are included in the appendices of this treaty. The United States, as a Party to CITES, implements treaty requirements for species included in the appendices and periodically proposes amendments to the appendices as warranted for consideration by the other Parties at biennial meetings of the Conference of the Parties.

This notice invites comments and information from the public relevant to (1) a proposed change in the United States interpretation of the CITES listing of the urial sheep, *Ovis vignei*, based on a recent decision of the CITES Nomenclature Committee; and (2) potential United States co-sponsorship of a proposal for the Tenth Conference of the Parties (COP10) to include all species of sturgeons (Acipenseriformes)

not presently included in the appendices in Appendix II.

DATES: The Service will consider all comments received by January 5, 1997.

ADDRESSES: Please send correspondence concerning this notice to Chief, Office of Scientific Authority; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Fax number 703-358-2276. Comments and other information received will be available for public inspection by appointment, from 8 a.m. to 4 p.m. Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall A. Howe, Office of Scientific Authority, at the above address, telephone 703-358-1708.

SUPPLEMENTARY INFORMATION: CITES regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in one of three appendices. Appendix I includes species threatened with extinction that are or may be affected by international trade. Appendix II includes species that, although not necessarily now threatened with extinction, may become so unless the trade is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of currently or potentially threatened species from those of other species). Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade.

In a March 1, 1996, Federal Register notice (61 FR 8019), the Service requested public recommendations or draft proposals to amend Appendix I or II that the Service might consider proposing on behalf of the United States at COP10. That notice described information requirements for proposals, based on new listing criteria adopted by the Parties at COP9. After receiving and considering recommendations and proposals received in response to that notice, the Service announced, in an August 28, 1996, Federal Register notice (61 FR 44324), its preliminary decisions on which recommendations and proposals it was still considering and requested additional information on those. The deadline for submission of proposals to the CITES Secretariat for consideration at COP10 is January 10, 1997.

Reinterpretation of the Listing of the Urial, *Ovis vignei*

The urial of the central Asian steppes, a species of sheep popular among sport trophy hunters, has been included in CITES Appendix I since 1975. Due to uncertainty about the taxonomic relationships among populations of this and related sheep species, there has been confusion among the Parties as to the precise taxonomic entity intended for protection by the original listing. The history of this situation is described in detail in a January 27, 1994, Federal Register notice (59 FR 3833). In conducting its own analysis, the Service earlier concluded that the original listing applied only to certain populations (= *O. v. vignei*) in India and Pakistan and that other populations were not included in the appendices. Import of urials into the United States has been guided by this interpretation of the CITES listing.

A working group of the CITES Animals and Nomenclature Committees, in consultation with the IUCN Caprinae Specialist Group, studied this problem and attempted a fresh assessment of the status of *Ovis vignei* populations (based on the taxon described in the nomenclatural reference for mammals now adopted by the Parties: "Mammal Species of the World," Second Edition, by Wilson and Reeder). On the basis of this assessment, Germany prepared a draft Appendix I listing proposal, which recommended that an Appendix I listing was appropriate for all populations of the species. The Service participated in the working group and, at the time of the August 28 Federal Register notice, was considering the possibility of cosponsoring the proposal prepared by Germany and solicited information from the public accordingly.

At the meeting of the CITES Animals Committee in Prague, Czech Republic, in September, 1996, a meeting of the CITES Nomenclature Committee considered the *Ovis vignei* issue. The Nomenclature Committee concluded that the precise taxonomic entity intended for protection by the original listing could not be determined with certainty. It was, therefore, recommended that the current listing be interpreted as being based upon the CITES-adopted taxonomic reference mentioned above, resulting in the entire species being included in Appendix I. The Animals Committee endorsed this interpretation. In light of this recommendation, the draft proposal for listing in Appendix I became redundant and Germany decided not to submit the proposal.